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CONTENTS

NUMBER 1—MARCH, 1950

Political Science and World Stabilization. *Quincy Wright* 1
British Ideas of a Social Parliament. *Ernest Barker* 14
Constitutional Law in 1948–1949. *Robert J. Harris* 23
Chinese Communist Urban Policy. *H. Arthur Steiner* 47
The Kremlin's Professional Staff: The "Apparatus" of the Central Committee, Communist Party of the Soviet Union. *Louis Nemzer* 64
The Lodge-Gossett Resolution: A Critical Analysis. *Ruth C. Silva* 86
Pathology of Democracy in Latin-America: A Symposium. *W. W. Pierson (ed.)* .. 100
  I. A Historian's Point of View. *Arthur P. Whitaker* 101
  II. A Political Scientist's Point of View. *Russell Fitzgibbon* 118
  III. An Economist's Point of View. *Sanford A. Mosk* 129
  IV. Discussion: A Sociologist's Point of view. *W. Rex Crawford* 143
News and Notes. *Walter H. Bennett (ed.)* 150
  Forty-fifth Annual Meeting of the American Political Science Association: The Program. *Ernest S. Griffith* 150
  Transactions of the Executive Council and General Business Meeting. *Harvey Walker* 154
Book Reviews and Notices. *Hugh L. Elsbree (ed.)* 177
  Nationalization of Industry in Western Europe: Recent Literature and Debates. *Mario Einaudi* 177
Special Announcements 233

NUMBER 2—JUNE, 1950

The Growth of the *American Political Science Review*, 1926–1949. *Harold Zink* ... 257
Controls and Tensions in the Soviet System. *Merle Fainsod* 266
The Value of the Hoover Commission Reports to the Educator. *E. S. Redford* ... 283
Nationalised Industries in Britain and France. *William A. Robson* 299
Business Organized as Power: The New Imperium in Imperio. *Alpheus T. Mason* ... 323
The Concept of Sovereignty. *Jacques Maritain* 343
Generalists Versus Specialists in Social Science: An Economist's View. *J. J. Spengler* 358
  Discussion: *Stuart A. Rice, Francis G. Wilson, Thomas I. Cook* 380
The Semantics of Political Science. *Charner Perry* 394
  Discussion: *Herbert A. Simon, Max Radin, George A. Lundberg, Harold D. Lasswell* 407

Notes and Memoranda

  A Postwar Development in French Regional Government: The "*Super Préfet.*" *Roger S. Abbott and Roger Sicard* 426
  Voting Behavior in 1948 as Compared with 1924 in a Typical Ohio Community. *Ben A. Arneson and William H. Eells* 432
News and Notes. *Walter H. Bennett (ed.)* 435
Book Reviews, Notes and Notices. *Hugh L. Elsbree (ed.)* 447
  The Nuremberg Trials as Sources of Recent German Political and Historical Materials. *Robert M. W. Kempner* 447
Special Announcements: Committee Appointments 517

NUMBER 3—SEPTEMBER, 1950

Is the British Commonwealth Withering Away? *K. C. Wheare* 545
State Legislatures and Communism: The Current Scene. *William B. Prendergast* ... 556

Government and Water Resources: A Symposium. *James W. Fesler (ed.)* 575
I. Congress and Water Resources. *Arthur A. Maas* 576
II. National Executive Organization for Water Resources. *Gilbert F. White*. 593
III. The Valley Authority and Its Alternatives. *Charles McKinley* 607
IV. Water Resources and American Federalism. *Albert Lepawsky* 631
Notes and Memoranda
The Senate on Trial. *Hubert H. Humphrey* 650
The Logic of International Relations and Organization. *Pitman B. Potter* 661
A Revised Theory of American Party Politics. *Samuel P. Huntington* 669
The Turning-Point in Political Philosophy. *Charles N. R. McCoy* 678
Doctoral Dissertations in Political Science. *David Fellman* 689
News and Notes. *Walter H. Bennett (ed.)* 718
Book Reviews, Notes, Notices and Articles. *Hugh L. Elsbree (ed.)* 742
Special Announcements 810
Toward a More Responsible Two-Party System. A Report of the *Committee on Political Parties, American Political Science Association.* Supplement.

NUMBER 4—DECEMBER, 1950

The Mainsprings of American Foreign Policy: The National Interest vs. Moral Abstractions. *Hans J. Morgenthau* 833
The Parliamentary Labor Party in Great Britain. *James MacGregor Burns* 855
Research on Political Parties and Leadership
Political Activity of American Citizens. *Julian L. Woodward and Elmo Roper* 872
Interviewing Southern Politicians. *Alexander Heard* 886
Certain Personality Factors of State Legislators in South Carolina. *John B. McConaughy* 897
The Study of Political Leadership. *Lester G. Seligman* 904
Public Opinion Research—An Opportunity for Political Parties. *Frederick C. Irion* 916
Notes and Memoranda
Political Science, the Next Twenty-five Years. *Paul H. Appleby* 924
Shipping Quotas and the Military Assistance Program. *Marshall Knappen* 933
Administrative Stability and Change. *Milton J. Esman* 942
Relativism, Absolutism, and Democracy. *Felix Oppenheim* 951
News and Notes. *Walter H. Bennett (ed.)* 961
Book Reviews, Notes, Notices and Articles. *Hugh L. Elsbree (ed.)* 976
Political Science in Sweden. *Sarah Scott Thorelli* 976
Bureaucracy in a Democracy. *Chester I. Barnard* 989
Index to Volume XLIV. *Emma Rhyne Patterson* 1083

The American Political Science Review

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POLITICAL SCIENCE AND WORLD STABILIZATION*

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Few persons who look at the world thoughtfully are complacent. It is difficult to believe that the balance of power will become more stable. Quite the contrary! A degree of bi-polarity in world politics has been reached which compels each of the opposing groups to bend its efforts to bring the remaining neutrals into its orbit and to augment its power. If the war which each regards as a possibility should come, each wants to be sure that it will not be the loser. The race in atomic weapons and armaments of all kinds is on and experience suggests, as in the rivalries between sections before the American Civil War and the rivalries between alliances before the first World War, that such a race will eventuate in war.

There is no balancer in a bi-polar world, nor are there uncommitted powers which may cast their lot on one side or the other in a crisis. The process of nucleation about the two poles makes prediction of the power potential of each more and more feasible. It becomes increasingly clear to one side that time is with it and to the other that time is against it. Under such circumstances each expects war and it can be anticipated that the side which becomes convinced that time is against it will start the war. Fortunately there are still many unknown variables in the present situation. No precise calculation is yet possible, though it may be in the course of a few years. However, if war comes, there are few who doubt that atomic weapons would be used and that the human race would face disaster.

But if few people expect a stable balance of power, the number who anticipate effective world government is even less. There is not, nor can there be, an external enemy against which the world as a whole can organize itself in defense. The differences of culture are so great that a sense of solidarity throughout the world's population is slow in developing. Traditional insistence upon national sovereignty and traditional loyalty to national governments resist modification even though reason suggests that common defense against the disaster of war is expedient. While inventions in the fields of communication and transport, and interdependence in commerce and security make for one world, the actual sentiments of peoples have been moving toward more exclusive loyalty to their nations, more insistence that their governments exercise totalitarian control over law, defense, economy, and even opinion. Materially the world community steadily becomes more integrated, but morally each nation gains in solidarity and the split in the world community becomes wider. Under these conditions, people await with a blind fatalism the approach of atomic war. Disaster seems as inevitable as in a Greek tragedy. Has the science of politics anything to offer in this situation?

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* Presidential address delivered before the American Political Science Association at its forty-fifth annual meeting in New York City, Dec. 28, 1949.

Initially we stumble on the insistence by many that a science of politics is impossible. That position can hardly be taken by this Association. We have thousands of members, a half century of activity, a vigorous journal, numerous committees, and an established tradition. These give evidence of a widespread belief that politics can be treated scientifically, that there is a science of politics. The evidence is less convincing outside the United States. In September, 1949, a group of one hundred German professors met at the castle of Waldleiningen and passed resolutions to introduce political science as a discipline in German universities. They all recognized that there had been no such discipline for fifteen years and that even earlier, political science had been less a science than a philosophy in Germany. At a meeting held the same month in Paris to organize an International Political Science Association, it appeared that there were only three national associations in the world, in America, Canada, and India. An association was being formed in England but the majority wished to call it an Association for Political Studies, implying that politics could not be a science. In France formation of a national association was also in process, but its center seemed to be public law and administration, rather than politics.

Politics may be defined as the art and practice of achieving group ends against the opposition of other groups. It implies that a practitioner of the art has identified himself with one state, one nation, one party, one government, or one group of some kind and is seeking to achieve the ends of that group against the opposition of other groups. Conflict is its essence. People engaged in politics are engaged in a battle, if not of bullets then of ballots, if not of armies then of rhetoric, if not of strategy then of persuasion. There have always been people who dislike conflict in any form. Their vision of the perfect human society is a City of God in which there is perfect harmony, or a communist society in which there are no classes or groups and where all differences are coordinated. There are others who do not regard politics as an evil, but who look upon conflict and competition as conditions of progress and as means for realizing the better life. To liberals, a continuous competition of ideas in a free market place of discussion is a better society than one in which the dead hand of unanimity has eliminated freedom and personality.

Political scientists assume, not only that politics is always to be with us, but also that it is a positive value. It is usually recognized, however, that there should be limits to the methods used. Discussion, most would say, is better than assassination. Parties are better than concentration camps. Vituperation in the General Assembly of the United Nations is better than war. Politics, therefore, should not only seek to gain the ends of one party; it should seek to keep the methods which it uses from degenerating. War, insurrection, assassination, terrorism, though frequent methods of politics, are also evidence of the failure of politics. Politics implies that men struggle to achieve their values, but they also struggle to prevent methods from sinking beneath the dignity of man. In the latter struggle, men engage in politics as members of the universal society of humanity faced by the opposition of any lesser group which attempts to justify barbarous means by ends which it considers noble.

Science is the process of systematizing observation and thought, and of formulating propositions the truth of which is tested by their capacity to predict and to control. Science is primarily contemplative, while politics is manipulative. Science is motivated by curiosity rather than by utility. It progresses when it ignores values, as Bacon suggested when he said that final causes are barren. This is true of pure science. Applied science, however, assumes certain values and seeks formulae to control events toward their achievement, thus contributing to the arts.

Political science as a pure science, therefore, should seek to devise formulae to predict how political conflicts are likely to turn out. What new political conflicts are likely to develop? What groups are likely to become important? What methods are likely to be used? What goals are likely to be striven for? In short, political science should seek to devise formulae to predict those aspects of group behavior centering about tension, struggle, and conflict.

As an applied science, political science may assume the values of a particular group and seek formulae useful in achieving those values. Most of political science has been of this type. It has asked for example: What are the ends of the United States internally and externally? What type of organization, what methods of administration, what principles of law, what legislation, what foreign policy will contribute to achieve those ends? As an applied science, however, political science may also assume values above the parties in the political struggle. Values of the most general type, such as human personality, general welfare, civilization, human progress may be assumed and formulae sought for keeping the political struggle from utilizing methods which would frustrate these higher values. There are always men who, whether their group be state, church, or business, become so wedded in the heat of politics to their ends that they conceive them as justifying any means. There are always others who, however committed they are to particular group ends, believe that there are limits and bounds to the means which can properly be employed. Such an appreciation is certainly one of the signs of civilization. Machiavelli thought of applied political science in the first sense. He advised the Prince how to build the power of his group and through the use of that power to achieve his ends. Erasmus, writing at the same time, thought of applied political science in the second sense: How can the struggles of politics be kept from getting too violent, too oppressive, too monopolistic, too anarchic? What arrangement will assure that politics operates with reasonable respect for human personality, for civilization, for justice, for welfare—all values which most men, upon reflection, will recognize?

Neither in its pure nor in its applied aspect has political science become so exact a science as physics or even biology. We cannot ignore the circumstances which hamper such development. The methods of science imply, first, exhaustive analysis of a situation or problem so that all its elements may be described as constants or measured as variables, or perhaps treated as parameters which, though actually varying, can be taken as constants over periods of time and over areas of space. Secondly, scientific method implies the search for relations among those constants and variables which are persistent and as independent as possible of particular times and places. Insofar as relations are independent of time, they can be anticipated in the future and thus make prediction possible. Finally, science implies continuous testing and self correction. No scientific formulation is absolute. Science does not envisage the world as a body of immutable laws, but as congeries of regularities and irregularities which may appear increasingly regular as the process of scientific formulation continues. The scientist seeks to make his formula as general as possible, but he anticipates that every formula will in time yield to new observations.

As James B. Conant has remarked, the test of a good scientific theory is the stimulus it gives for new investigation which will in time produce a better theory. While science seeks generalizations, independent of time and space, it recognizes that all generalizations are in fact dated and located. The Newtonian law of gravitation was the best that could be said in 17th century England. Much better can be said on the subject today, and if science continues, we can expect still better in the future. The mind that demands absolute and eternal truth is not adapted to science. Science has no place for doctrinaires. While 18th century rationalism was associated with contemporary developments of science, there can be no doubt that science has considered concrete observations as more real than any generalizations. Its philosophy is nominalism and relativism.

In this aspect science resembles politics. Both are pragmatic and relativistic. Absolutists like Hitler and Stalin seek to eliminate politics by subordinating all parties to one, and to eliminate science by subordinating all investigators to the party line. Both science and politics assume the virtue of free competition of ideas and policies in the market place of discussion. They accept the concept of free speech enunciated by Mr. Justice Holmes.

But while acknowledging this resemblance between science and politics one must be aware of the difficulties of making scientific generalizations about political behavior. Political situations and problems are so complex that they cannot be exhaustively analyzed. They depend upon information rather than upon energy. New information from distant or remote places, from ancient history or from the other side of the world, may at any moment inject itself into a political situation in a way which could not be anticipated. As the means of communication, as the recording of history, and as the advance of science itself proceed, the complexity of political situations becomes greater and the possibility of exhaustive analysis less. Any formulation of constants and variables in a political situation is therefore necessarily incomplete. Unknown or hitherto non-existent factors are likely to be influential and to frustrate the best documented expectations. Even the known conditions in any society are so complicated that it is usually wisest to confine particular formulations of political science to limited areas and periods within which it is reasonable to assume that the general conditions of opinion, of attitude, and of culture will not change. These conditions are the parameters of most generalizations in political science, making such generalizations imperfectly transferable from one country to another or from one civilization to another.

A particular difficulty arises from the advance of science itself. Planets and atoms are not influenced in their behavior by the generalizations of Newton or Einstein, but human beings are influenced in their behavior by the predictions of political science. The continuous stream of new political knowledge affects the behavior of the society which is the subject matter of that knowledge. Consequently generalizations made in political science may make or break themselves in accordance with the influence they exert upon the groups and persons whose behavior they seek to predict or control. As impartial analysts, political scientists must, therefore, include as a variable in their equations this "feed back" of the developing science itself upon the behavior which the science generalizes.

As citizens, political scientists must take cognizance of the influence which their generalizations will have upon the values to which they are committed. This is true even of physical scientists. The atomic scientists have appreciated that as citizens they should hesitate to place dangerous weapons in the hands of immature politicians. The problem is however exaggerated in political science. Valid instruction on how man may be manipulated to achieve political ends may aid tyrants to destroy human dignity and freedom.

Closely related to this consideration is the fact that controlled experiments, and even certain types of investigation, are inhibited by the moral and democratic principle that man is an end, and should not be made a means to any end, even the end of scientific advance. The West was properly shocked at the disclosures at Nuremberg of the extent to which Nazi medical scientists had used human beings as guinea pigs. Communist social scientists are utilizing human guinea pigs on an even larger scale. The entire communist state may be regarded as a huge human experiment to test methods by which men can be induced to conform to a plan imposed upon them.

These considerations suggest that political science and political practice must, as maintained by Mannheim, go hand in hand. Provisional conclusions of political science have to be tested by political practice, but in free and democratic societies, the only practices which are permissible are those which all the available evidence indicates will make toward the good society. In such a society practices can only be accepted which are supported mainly by consent and which require coercion only in rare cases. Consequently commitment to values and application of scientific generalizations must proceed together. The objectivity of the natural sciences which means that the scientist, as such, dissociates himself from human values, is impossible in political science. The political scientist cannot experiment to see whether the methods which, according to scientific prediction, will destroy a society with his values or produce a society with different values, will really do so. He can only experiment in maintaining the values in which he believes, and he cannot experiment at all until he has presuaded the people who will be involved that these values are sound and that his prescriptions for maintaining them are reliable.

I have perhaps expanded too much on the nature of politics and science. I justify myself by the observation that both terms are controversial. One finds persons who assume that politics can be neither wise nor efficient unless the politician is guided by absolute values. There are likewise persons who associate science with a view of the universe as an absolute system of unchanging laws. To such persons, what I have to say may sound like nonsense. But if political science means what I think it does, I believe it can contribute to improving the present unsatisfactory state of the world.

Doubtless there are many American citizens and many officials in the Department of State and the Department of Defense who look to political science for advice on how to make sure that our side will win. I have no doubt that political science can give such advice on matters of organization, administration, and strategy. But as citizens of this country and of the world, I think political scientists should consider whether and to what extent they should give that advice.

They are faced by the same problem which faced the atomic scientists in contributing the atom bomb to our war effort. There is only too much reason to anticipate that concerted and effective efforts to assure that the United States would be in a position to win if a war should break out will encourage equally concerted efforts on the part of the advisers of the Soviet Union to make sure that the Soviet Union will win. The consequence is likely to be a war in which both will lose. I do not mean by this to dissuade political scientists from a reasonable interest in national defense. I certainly do not want the United States to lose if a war should occur. The question is, however, whether as political scientists we should not place prime emphasis upon means whereby the political struggle can be moderated and developed in such a way that neither side will lose. Victory by the United States after an atomic war would certainly not be of any particular advantage either to us or to the world. If, therefore, we are considering whether political science can do something to improve the present unsatisfactory situation of the world, we must raise our sights somewhat higher than national victory. What can political science do to increase the probability that the political struggles going on in the world will utilize only methods consistent with human dignity and human progress?

I believe that more general education in political science would be one such contribution. It is my experience that such an education tends to develop a spirit of moderation and to qualify the natural human disposition toward doctrinairism and intolerance. It is hard to see how a political scientist can be either a Nazi or a Communist. The spirit of compromise and relativism inherent in political science, the appreciation of the relativity of means to ends and of ends to means can, I think, be a protection against absolutistic beliefs whether of the right or of the left, of the church or of the state.

Political science can also, I believe, contribute to an understanding of the nature of the world community. Political scientists understand the role of the external enemy—the "out-group"—in creating the solidarity of the state and they consequently appreciate that the world community, necessarily lacking such an "out-group," must differ from lesser political communities.

Political scientists also understand the role of common culture, common religion, common history, common language, and common nationality in contributing to the solidarity of the state. They realize that the world community, with its tremendous variety on all of these points, must be different from the national state. Recalling the history of crusades and aggressions seeking to establish a universal religion, a universal culture, or a universal ideology, they anticipate that this variety will continue for a long time. They therefore tend to conceive the problem of a world society as adjustment of the diverse rather than conversion of all to uniformity.

Conversant with the history of political constitutions, political scientists appreciate that political machinery which works is always a compromise between effectiveness and acceptability. Rationally perfect utopias that would alter the traditional practices of people and step upon innumerable vested interests are not likely to win sufficient acceptance to be given effect except through methods of mass coercion. The problem is not only to win consent of the leaders, but also to win consent of the masses who are to be governed. That consent is affected by numerous factors other than the logical perfection of a proposed constitution.

The political scientist therefore who remembers his Burke, as well as his Rousseau, is likely to envisage the improvement of the world's constitution, not as action to realize a plan, but as a process of development. Action to realize a plan assumes in proportion as the plan is detailed and comprehensive that politics has been eliminated within the community. A plan is a prescription for realizing a goal. Those engaged in implementing it assume that both the ends and means which it prescribes have ceased to be controversial. Their problem is, therefore, administration, not politics. Politics exists only when ends or means are controversial. Consequently, politics implies that all plans are temporary, limited and flexible, that new plans continually emerge, have their day, and succumb to other plans as new parties come into power. Action to realize a plan implies the persistence of one party at least for the period of time for which the plan is made. Such action involves compulsion and denial of freedom in proportion as the community is large and heterogeneous, and as the plan is comprehensive in the aspects of life it covers and precise in respect to goals, methods and timing. Political scientists, therefore, are likely to be skeptical of planning in proportion as the plan is long in duration, wide in area, comprehensive in coverage and precise in means, ends, and timing. Consequently they think of the world order not as a plan but as a developing process, and they are willing to take one step at a time anticipating that if one step in the right direction is taken it will be easier to win sufficient consent for the next step. The cold war has arisen because inconsistent plans for the world as a whole have emerged from different capitals. The effort to plan for a group as lacking in solidarity and integration as the world community results in the elaboration by many parties of many universal but inconsistent plans. Efforts to realize them all means global war.

Political science may contribute not only to the development of attitudes of moderation but also to the encouragement of ingenuity in proposing practical compromises. Perhaps the most important of such compromises is that between the policies which are suggested for the realization of our national values and those which are appropriate to realize the values of a stable and peaceful world order. More concretely the problem can be posed: Shall we utilize the United Nations for the purpose of forwarding American policies? Or shall we make the development and effectiveness of the United Nations the first consideration of American policy? I do not quarrel with the effort to realize democratic values and human rights through the United Nations. Such values are the essence, not only of American democracy, but also of the United Nations. But if the United Nations is utilized as a means for augmenting our prestige and power above that of the Soviet Union, we may be weakening the United Nations itself.

Debates in the United Nations provide many opportunities for discovering common values which are shared by all its members. There are values which are shared by the people of the United States and the people of the Soviet Union and, wherever the political process discloses them, political invention may devise cooperative efforts for achieving them. The barriers to communication across the iron curtain, the failure of direct contact among peoples at each side of it, the doubt on each side of the reliability of information from the other side, the refusal of the Soviet Union to join Unesco and other of the Specialized Agencies, present obstacles to understanding and cooperation. These obstacles make it all the more important to utilize the United Nations to the utmost. Political conflict is always less dangerous when the parties engaged in it are also engaged in political cooperation. The political scientist can contribute by continually recalling that the national policies of the United States are relative to the world policies of the United Nations, that these policies may at times appear to be conflicting, and that compromises must be made, if a world is to develop that is at the same time sufficiently varied to be progressive and sufficiently stable to be peaceful.

Political scientists should be particularly adept at drawing attention to the different levels at which political problems may be examined. As between the United States and the Soviet Union, the bi-polar rivalry seems implacable. If one fixes his gaze at this level, the impression of fateful tragedy is difficult to avoid. But both of these great groups are composed of many sub-groups, themselves composed of men and women. If no solution can be found at the international level, perhaps it would be well to focus attention at the sociological or the psychological level. May not the developing hardness, integration, solidarity, and implacability of these great structures be reduced? May not the United States and the Soviet Union simultaneously soften and pacify through changes in the relations of the sub-groups or in the minds of the men and women which compose them? May not both Americans and Russians become more world citizens and less nationalists? The difficulty of the problem lies in the necessity that it be solved simultaneously in both countries. A softening United States would be smashed by a hardening Soviet Union, but if both softened simultaneously, communication between the populations would be easier, understanding would be facilitated, cooperation would increase, tensions would diminish, and war would be less likely.

The hardness of these huge structures rests on the exclusiveness and intensity of the loyalties of the masses of their populations, and these loyalties are exaggerated by widespread expectations of inevitable victory or of inevitable war. In exclusive and intense loyalties there is danger for, as the psychoanalysts tell us, such loyalties can develop only if ambivalent feelings are resolved by displacement of hate upon an "out-group." An individual with many divergent loyalties may often live in quandary and sometimes in unhappiness. If some of the divergent loyalties are intense he may even become frustrated and either aggressive or neurotic. We must conclude that in a good society loyalties are neither exclusive nor excessively intense. A group composed of men and women each with many loyalties, which are so moderate that conflicts among them can be compromised in each individual mind, is less dangerous and more stable than a group, each member of which maintains an exclusive loyalty to his group, building its power, hardening its policy, converting it from a rational association into an irrational mob eager for the blood of the "out-group" selected as a scapegoat.

It was this insight, as well as appreciation of the civilizing influence of the contact of different ideas and cultures, that induced Lord Acton, in the heyday of nationalism and long before the time of Freud, to regard "The theory of nationality as a retrograde step in history." "States," he said, "in which no mixture of races has occurred are imperfect; and those in which its effects have disappeared are decrepit. A state which is incompetent to satisfy different races condemns itself; a state which labors to neutralize, to absorb, or to expel them, destroys its own vitality; a state which does not include them is destitute of the chief basis of self government."

In our complicated world each human mind must continually synthesize the claims of family, nation, church, business, cultural associations, local community, and world society. That is the meaning and price of liberty and peace in a diverse but shrinking world. A world with millions of small conflicts in the minds of individuals and in the discussions of small groups is likely to be more peaceful and prosperous than a world divided into two opposing groups each of which commands the exclusive, intense, and blind obedience of its population.

The political scientist can contribute to attitudes of moderation and formulae of conciliation. Can he also contribute a picture, however vague, of the complex of values and relationships which might ameliorate the tensions of diverse and conflicting nations and alliances in the world? If men must be world citizens as well as national citizens, what picture of the world can command some of their loyalties, however diverse their cultures, economies, and governments?

A picture will not command interest unless some relationship among, and some organization of, its parts is evident to the observer. So the picture of a peaceful and progressive world must include much world communication linking its parts and some world organization realizing its purposes. There can not be one world unless every people can and does talk to every other, and unless there is some system, however decentralized, by which decisions, authoritative for all, can be made on matters vital to all. All political scientists recognize the roles of communication and organization in the design of a good society. Do they also recognize that some uniformity of tone and some unity of idea are as necessary in a good society as they are in a good picture? In a peaceful and progressive world some behavior patterns must be standardized and some objectives must attract the cooperation of all.

Doubtless there is a universal human nature, deriving not only from biological drives which man shares with lower animals, and from common experiences which all have encountered in infancy, but also from certain necessary relations of the individual to society which all adults and all cultures must take into account. To assure a maximum satisfaction of these demands of human nature is the object of constitutional bills of rights and the Universal Declaration of Human Rights recently promulgated by the General Assembly of the United Nations. The abstract terms of the latter instrument must be applied to concrete situations and its meaning must be widely understood if it is to assist men everywhere spontaneously to understand one another.

If, however, emphasis is laid only upon what men have in common the variety of the world will be lost. There must also be an understanding, a tolerance, and even an appreciation by each people of the distinctive aspects of the cultures of others. Each must recognize, not only that all cultures, however much they differ, spring from a common human nature, but also that all, by their very diversity, have something to contribute to the world. Such an appreciation is difficult to achieve because people tend to be parochial minded. Each culture tends to judge others by its own values. But variety must enter into the picture of the world which every man carries in his mind, if the actual world is to be peaceful and desirable.

There must be more than understanding, tolerance, and appreciation for other cultures. There must be some loyalty to the whole. Men must synthesize national loyalty with world loyalty and this is hardly possible unless the world, in addition to symbolizing the common elements in mankind, is symbolized by something as concrete as the United Nations. But such a symbol can not long inspire loyalty unless it represents active and effective cooperation for specific ends which all people regard as valuable. It cannot be anticipated that the diverse people of the world will agree upon ultimate ends. Such ends are the final synthesis of an individual's experience. In proportion as groups become large and peoples diverse, differences among individuals in regard to ultimate ends are to be anticipated. Cooperation for limited and temporary objectives which all deem of value is, however, possible and such cooperation can ameliorate the political struggles which develop around differences in regard to values of higher level.

Men must picture the world as a varied population with symbolic unity, the parts of which are related by systems of communication and organization, and the members of which are standardized in some patterns of behavior and are cooperating to realize some common objectives. But above all they must see that the picture is moving. New inventions, technologies and ideas are continually changing it. The processes of communication, organization, standardization and cooperation are changing at differing rates. Tension and perhaps war occurs when development of one part, one system, or one process gets too far ahead or too far behind the others. Continuous measurement of rates of change and intelligent interventions to accelerate here, or retard there, are required, if the dynamic equilibrium is to be stable, and if the human drama is to be satisfying to the participant-observers.

A community varied, interesting, and deserving of affection; a society active and effective in achieving particular policies, vague in ultimate ideals and values; a dynamic equilibrium resulting from complex relationships of cooperation and opposition; a process by which the inertia of history, and the aspirations and inventions of genius continually interact to create the future—this may be the best meaning to attribute to "one-world."

In the task of understanding, developing and regulating such a dynamic, complex, stable, and peaceful world, political science needs the cooperation of the other social disciplines, psychology, sociology, economics, geography, anthropology, law. All of these have been coming together in a new discipline of international relations, but the science of politics is at the heart of this discipline. That science rests upon the assumption that conflict and cooperation are both of the essence of human society and are necessary for stability and progress. Its investigations contribute to the practice of the art of politics at all levels, local, national, and world. Its students tend to manifest the virtues of compromise, tolerance, balance, and sanity, which our world, distracted by the peddlers of nostrums and utopias, sorely needs.

BRITISH IDEAS OF A SOCIAL PARLIAMENT

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The question has been raised from time to time by British thinkers whether there ought not to be some central organ of "society," some social parliament or even some general system of social parliaments, which might be added to the political parliament of the State, and might stand by its side in some sort of relation, either subordinate or coordinate. Such an organ or parliament would function either as an advisory body (or system of advisory bodies), or as a sort of "relief" legislature, parallel to the regular legislature, to ease the burden of legislation by carrying some part of its heavy traffic. Hitherto, so the arguments run, there has been only a single political mirror, the political legislature, which reflects or "represents" the legal association as such (or in other words, the legally organized State). Ought we not also to have another mirror, or a set of mirrors, reflecting some one great aspect of "society" as such, or even several of its different aspects?

The suggestion most commonly made is of a single social mirror, an economic council, or "parliament," or "sub-parliament," reflecting the one great aspect of society implied in the adjective "economic." That suggestion acquired vogue, and even seemed likely to be translated into fact, at the close of the War of 1914–18. In Great Britain an industrial conference, convened by the Prime Minister in 1919, proposed the institution of a National Industrial Council, to be elected by the workers and employers in each industry separately, and to be vested with the general power of advising the government on industrial legislation. The proposal, however, was not implemented, and Great Britain has hitherto remained content with a political parliament. On the Continent more was attempted, but little was achieved. Germany instituted in 1920 a National Economic Council, by the side of the *Reichstag*, for the purpose of advising the government on social and economic legislation; but the Council soon dissolved into committees which advised the government directly in lieu of the Council itself, and eventually even the committees ceased to be asked for advice. France instituted in 1926 a National Economic Council, which (after 1936) included 173 members representing economic groups and interests, to study economic problems, to report on them to the government, and to advise the government on all economic measures proposed in parliament. In a different setting the French Economic Council still remains, and its powers have been confirmed and expanded by the new French Constitution of 1946; but it is not clear that it plays any role of importance, or that it has relieved the political parliament of any part of its burden. Italy, under its Fascist regime, instituted a National Council of Corporations, containing representatives of employers and employees and empowered to formulate rules for the general co-ordination of the national economy.[1] The National Council of Corporations stood by the side of the Senate and the Chamber of Deputies, with the latter of which it was eventually merged in 1938. But the National Council of Corporations, like so much else in Italian Fascism, served rather as a theatrical property than as an actual institution.

If, as has just been said, Great Britain has hitherto remained content with a political parliament, the idea of a social parliament has continued to be mooted in theory. The guild socialists, in the early years of the century, advocated the institution of two parliaments—an economic parliament, based on guilds, for economic affairs, and a political parliament, based on local constituencies, for the business of the State. In 1920 the Webbs, in a work entitled *A Constitution for the Socialist Commonwealth of Great Britain,*[2] similarly advocated a plurality of parliaments. Pleading the hypertrophy of a single parliament and—even more—its "vicious mixture" of functions separate in their nature, they suggested that the old political parliament should be confined to its proper and original functions of the conduct of external relations and the maintenance of internal law and order. A new social parliament, they proposed, should be instituted by its side to take over the more modern functions of the management of social policy and the general development of a way of life or type of civilization. In their ingenious and carefully constructed scheme of parliamentary dyarchy both parliaments were to be elected (though not simultaneously, or in the same way) on the basis of geographical constituencies. Both were to cooperate by a system of joint committees, and a joint session of both was to make the final decision in the event of a clash. But as the control of the budget and the power of the purse were to be vested in the social parliament, it would appear that the social parliament was to be the greater of the two. This was an extreme and dubious plan—the more so as it was never made clear how the maintenance of law entrusted to the political parliament could be divided from the management of social policy (and from all the legislation involved in that management) which was assigned to the social parliament.

Dr. Temple, afterwards Archbishop of Canterbury, was at once more moderate and more extreme in the proposals he made in 1928 in a work on *Christianity and the State.*[3] Pleading the example of the National Assembly of the Church of England (an ecclesiastical parliament competent, under its enabling act of 1919, to deliberate on and make provision for all matters concerning the Church, subject to the consent of both Houses of Parliament in such matters as by the law of the land require parliamentary sanction), he proposed, in addition, (1) an industrial parliament, based on voluntary associations, which should legislate in its own department subject to the veto of the political parliament, and (2) an educational parliament, based on voluntary bodies of teachers and also on local education authorities, which should legislate in its sphere "subject," as he wrote, "in one way or another to parliamentary veto." This was consequently a proposal for what may be called a set of social mirrors—an ecclesiastical, an industrial, and an educational one. In that sense it goes beyond the proposal of the Webbs. But Dr. Temple also suggested various limits on the powers of these several social parliaments, and in this respect his proposal was more moderate than that of the Webbs.

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[1] The phrase is vague and grandiose, but so was the general vocabulary of Italian Fascism. The functions of the Council were never clearly defined. In any case, its functions were "pre-legislative" or preparatory; it could only offer advice.

[2] (London, 1920).

Mr. Churchill, in a Romanes lecture delivered at Oxford in 1930, confined himself to industry, and followed in the track of the policy proposed by the industrial conference of 1919. He suggested a House of Industry (but a House on a different level of power from the two existing Houses of Parliament) empowered to prepare and recommend solutions of industrial problems. This would be an advisory body—parallel, let us say, to the French advisory economic council. Of late Mr. Amery, in his *Thoughts on the Constitution,*[4] has adopted and expanded Mr. Churchill's suggestion. Pleading, like Dr. Temple, the analogy of the functions and powers of the National Assembly of the Church of England, he proposes a third House, or sub-parliament, which might frame measures altering or amplifying Acts of Parliament, subject to the consent of the two existing Houses. This third House would be based on trade unions and employers' associations, possibly with the addition of representatives of consumers nominated by the government. It would have the advantage, he argues, of enabling the new principle of "functional" representation to be tried without destroying the existing geographical principle.

There is here a variety of counsellors, and a multiplicity of counsels. Most of the counsellors suggest a social parliament of a new type, based on a functional principle, and representing vocations. The Webbs are perhaps alone in arguing for a social parliament based, like the political, on the principle of local constituencies. Some, again, would make the social parliament merely advisory to the existing parliament, or to the executive government. The Webbs, however, would make it a concurrent, or even a superior legislature. Others, again, would attempt a *via media* and give to the social parliament the position of a subordinate legislature, competent to enact laws with the assent of the political parliament. On one issue all would seem to be agreed. They would all institute the social parliament—whatever the basis of its composition, or whatever the extent of its powers—by an act of State and by way of a formal amendment of the constitution. They do not consider the possibility that a social parliament may possibly be evolved by an act of society; that it may, as it were, grow of itself; that it may begin and end in society, as a purely social organ, simply and solely expressive of social opinions and aspirations.

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[3] (London, 1928).

[4] (London, 1947).

Nothing need here be said, at any rate for the moment, about the composition of a social parliament. There is a prior question of greater importance—that of its powers. Should it have the powers of a concurrent parliament, or should it have only advisory powers? The first alternative has commended itself to a succession of thinkers, which began with the guild socialists, was continued by the Webbs, and may still be traced in the theories and suggestions of Dr. Temple and Mr. Amery.[5] The basis of this first alternative is the policy of functional devolution: the policy of sorting out and separating functions at present combined (or, as the argument goes, "viciously mixed") in a single parliament, and of remitting some of the functions so sorted out and separated to a new body or bodies. Such a policy raises a grave but also simple issue. What would be left to the old "political" parliament if a system were adopted of functional devolution upon another "social" parliament or set of "social" parliaments? It is possible to answer that question by saying that although economics and education (the general management of social policy and the general development of a way of life and type of civilization) would be lost to the political parliament, the maintenance of law (along with the conduct of external relations and the control of a system of defense) would be left. But what is law?

Law is not a separate or separable set of things in an isolated compartment. It is a *general* mode of action. It is a mode of dealing, by uniform rules, with things in general—with things economic and educational, and with all other sorts and sets of things which are capable of being brought under and regulated by a uniform rule or system of rules. Law, in a word, is a general mode of action, which ranges over all places where a uniform rule is possible, and which touches, as it ranges, every sort of thing. But if it is general it is also single, alike in its origin and its operation. Being general, and ranging everywhere, it ranges over the field of economics. One cannot distinguish law from economics, or say that law belongs to one sort of parliament and economics to another.[6] Being, on the other hand, a single mode, law has a single organ of operation. The State, in the shape of the political parliament through which it acts, is the only organ and maker of law. The State, on the theory here assumed, is only a legal association; but, by the same token, it is also the only legal association. Because it is that, its political parliament is the one adjustment-center. There cannot be a plurality of adjustment-centers. If there were, they would themselves need to be adjusted. There must be some one, single, final adjustment-center; and that adjustment-center is necessarily compelled by its nature not only to adjust finally all sovereign issues (issues, that is to say, which demand the exercise of sovereignty), but also to take the initiative in formulating their adjustment. A magnetic attraction draws such issues directly to the one final authority. Men will always seek to go straight to it, and the institution of other instances will not defeat or deflect the attraction. That attraction will be especially strong in the field of economics. Economic issues, in these troubled days, are the issues which specially demand adjustment. They are swept particularly, and swept directly, to the final adjustment-center; and that center is accordingly compelled, both by its own nature and by their urgency, to take the initiative in their adjustment, and to act with an original efficiency as well as a formal finality.

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[5] Strictly, indeed, the suggestions of Dr. Temple and Mr. Amery are not in favor of a concurrent parliament (or set of parliaments), but only in favor of a new House (or Houses) to frame and to submit measures to the existing Houses. But a new House which framed and submitted measures of economic policy to the two existing Houses, and which was styled by the name of a third House, would come near to being concurrent.

The powers of a social parliament will not therefore be powers of legislation. They will, at the most, be powers of advice to the one and only legislative authority—or, more exactly, for "advice" is too strong a term, they will be powers of expressing social opinion and formulating social aspiration at the bar of that authority. Now a State-created body, acting in the framework and as a part of the State, is not the natural or logical vehicle for the exercise of those powers. Society is something different from the State, and the formulation of social opinion is something different from the formulation of legal rules. If society is the area of voluntary formations and voluntary action, we should naturally expect a social parliament (or rather a complex of social parliaments, corresponding to the complexity of society) to form itself voluntarily, and not to be formed by an act of State-creation. We should also expect it, when it is formed, to move in the area of society, to proceed by the method of social action to express social opinion and aspiration, and to serve as an indication of the trends of thought in general society. It will thus be a new form (and yet, perhaps, by no means so new as its advocates think) of that play of national or public opinion which is always at work behind the political parliament, and which is always affecting and qualifying the action of that parliament.

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[6] It is a logical fallacy to distinguish law, which is a general mode of action, from economics, which is simply a special set of things. The "vicious mixture" which makes law penetrate everywhere is inherent in the nature of law.

We must not exaggerate the peculiarity or the novelty of the idea of a social parliament. It is an idea which is neither so peculiar nor so novel as many are inclined to think. There already exists, and has long existed among us, a whole complex of what may be called "social parliaments." There are the "social parliaments" of the organized professions (though there is as yet no federal parliament of all the professions); there is the "social parliament" of the occupations, in the shape of the Trades Union Congress; there are the "social parliaments" of the employers in the shape of their unions and associations; there are "social parliaments" of the different churches; there are a number of "social parliaments" (partly professional, but some of a wider scope) in the field of education. The novelty of the idea of a social parliament, in the form in which it has become recently current, consists in the suggestion of a new joint social parliament *in the field of industrial production*, representing both workers and employers, and drawing together the separate "social parliaments" in which the two sides have hitherto acted. This would be something new, though there have been tentative movements towards it during the last thirty years.

The question is whether such a new joint social parliament can form itself, or is likely to form itself, by the method of voluntary action. We may safely answer that the fertility of social invention is not exhausted, that the idea of the voluntary formation of a new joint body has already been mooted between workers and employers, and that in the new conditions of production and the new social temper of our time the idea may thrive to fruition. We have already formed a number of specialized social parliaments for ourselves by the method of voluntary action. There is no reason, in the nature of things, why we should not form for ourselves by the same voluntary method a new social parliament of a greater scope, and of wider dimensions, in the shape of an industrial parliament.

But such a new, joint social parliament, so formed, will be a parliament of society (otherwise it will not be a "social parliament"). It will not be a parliament of the State, or a "third House," or anything which is *in pari materia* with the organs and organization of the legal community. It will be simply an organ, larger and more catholic in its scope, for the expression of social opinions and social aspirations.

We must beware of importing into our thought about social parliaments any idea of a policy of devolution, any idea that the State should remit to social organs its own specific and inalienable function of preparing, formulating, and enunciating all the rules of law. Devolution is a current word. It is the reverse side of the word "congestion," which is often applied to the parliament and the general government of the State. It is possible that there is congestion of the State; but if there is, the remedy has to be found *within the State*. Devolution of the legal powers of the territorial State, if it should be attempted, will naturally be territorial devolution—devolution, that is to say, on the territorial subdivisions of the State, which are of the same nature as itself. It will be devolution on national areas, such as Scotland and Wales, if such areas are contained in the State. It will be devolution on provincial, regional and geographical areas of one order or other—in a word, on areas of neighborhood. (Neighborhood is the great bond of men, uniting people of all sorts, for purposes of all sorts, in common areas of residence which are the areas of those general contacts and general relations that really need adjustment.) But even devolution of this order, devolution of the territorial order, logical as it may seem, may not be practicable in a country such as Great Britain. Here a large population is massed together, upon a small soil, in a system of relations so inextricably interwoven, from one end of the country to the other, that any legal rule must always be a rule which also runs from end to end. It is difficult, after all, to think even of a system of provincial or regional sub-legislatures in the conditions of such a texture.

How much more difficult, then, will it be to think of a system of social sub-legislatures, or to advocate a policy of functional devolution—devolution, that is to say, on social-economic groups pursuing social and economic aims in the area of society. Here one cannot even plead the claims of logic in his favor, as can be done for territorial devolution. On the contrary, one is involved in a confusion of ideas. Social groups belong to the area of society; they are not subdivisions of the State. No social group, and no assembly representing such a group or a number of such groups, is fitted by its nature to act as an organ of the legal and rule-making association which we call the State. It is true that the opinion of a social group, or of an assembly representing such a group may properly affect the State, as a part and a form of that encompassing body of general social opinion which is always playing upon, always affecting, and always qualifying the action of the legal association. But it is also true that a social group in itself, and any assembly representing such a group or number of groups, is not, and is not by its nature fitted to be, a law-making, or even a law-formulating body. Indeed it is not a legal body in any sense, as all organs of the legal association must be.

There is not only a confusion of ideas, and a defect of logic, in the idea of functional devolution. There are are also grave practical difficulties. One of these practical difficulties is the difficulty of space. The members of social groups (doctors, miners, teachers, transport-workers, lawyers, agricultural workers) are necessarily scattered in space, and separated by interstices. But the State, and each division of the State, is by its nature a territorial continuum. It is based on contiguity in space, and on the fact and feeling of neighborhood. To combine in a single scheme the functional and the territorial would be to mix and confound the discrete and the continuous. There is a second and greater difficulty—a difficulty not of material space, but of mental sentiment and moral solidarity. Functions, when they are complementary and are consciously felt to be complementary, *may* serve to draw men together in the sense of a common need and the feeling of mutual dependence. However it is even more true that they also serve to divide, and that each industry, trade, occupation and profession develops its own special interest, its own peculiar bias, and its own exclusive group-interest. It would be far from easy for the State to devolve upon such bodies the performance of any of the common duties which it owes to the whole territorial community. The essence of the State, and equally of the divisions of the State, is a common territorial citizenship, which unites the residents in a common area for the common handling of the common questions that concern them all in their common capacity as neighbors.

But while there is room for doubt about the idea of a social parliament, based upon different social functions and groups, and still more for doubt about the idea of functional devolution by the State on such groups, there is little reason for doubting that the modern State owes a large and generous measure of respect to the social groups which exist in its ambit. It would not show that respect—indeed it would do the opposite—if it sought to incorporate social groups in its own organization, and to make them part of its own legal system. There are other and more generous methods which the State can adopt. In the first place it can recognize frankly that there is a whole area of social action parallel to, if different from, its own area of legal action—an area of voluntary action, of tentative non-official effort, of many-sided initiative and manifold experiment. In other words, it can recognize that it is not only concerned with the individuals ("the State and the Individual" is not the whole of the matter), but also with societies. It can admit that it is in its nature not only an association composed of individuals, but also an association composed of associations. Accordingly it can respect and protect the liberty and the rights of groups, as well as the liberty and the rights of individuals. In the second place, and as a part of such respect and protection, it can develop a general law of associations and their rights, side by side with its private law of persons and the rights of persons. It can construct, as a modern jurist has said, a system of "*Public law* on the lines of a comprehensive treatment of the rights and duties of various social organizations— . . . ecclesiastical, professional, educational, literary—that have stepped in between the individual and the State and are daily growing in importance in their task of organizing scattered individuals into conscious and powerful groups."[7] In the third place, and as a still further extension of its respect for and its protection of the life of voluntary societies, it may even give positive aid and encouragement to their activities. Just as the modern State increasingly aids and encourages the development of individuals by the provision of public social services, so it can also aid and encourage the development of societies, when they are doing good work for the benefit of the general community, by fostering their expansion and even by giving them financial aid. The policy of financial subsidies adopted by the British Government during the last thirty years towards the societies, called Universities, that serve the advancement of learning and the general promotion of higher education, may be cited as a notable example of the respect which the modern State can show, and the encouragement it can give, to societies which render voluntary service, in their own way, for the benefit of the general community.

[7] Vinogradoff, *Outlines of Historical Jurisprudence* (London, 1920), Vol. 1, p. 97.

CONSTITUTIONAL LAW IN 1948–1949

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There were no changes in the personnel of the Court while it was in session, but the deaths of Justices Frank Murphy and Wiley Rutledge during the summer adjournment marked the 1948 term as the last to be dominated by an overwhelmingly preponderant majority of judges appointed by Franklin D. Roosevelt. Justice Murphy's death occurred on July 19, 1949, soon after the adjournment of the Court on June 27. He took his seat on the Court on February 5, 1940, as the successor to Pierce Butler. Justice Rutledge died on September 10. He was the last of President Franklin D. Roosevelt's appointees to the Supreme Court. He was appointed on February 11, 1943, to succeed James F. Byrnes. The passing of these jurists may have been the most significant events as regards constitutional interpretation that occurred during 1948–1949.

A. QUESTIONS OF NATIONAL POWER

1. INTERSTATE COMMERCE

By 1948 the issues arising out of the extent of the power of Congress to regulate interstate commerce had been so conclusively resolved in favor of national authority that only incidental cases arose during the 1948–1949 term, and even then, they were concerned primarily with statutory interpretation. In *Vermilya-Brown Co., Inc. v. Connell*[1] a majority of the Court held through Justice Reed that the Fair Labor Standards Act covering commerce "among the several States," applied to the employees of contractors doing government work on the Bermuda naval base. The statute defined "state" as "any Territory or possession of the United States," and Bermuda was held to be a possession of the United States for the purposes of the act although the United States was not sovereign over the island. Justice Reed admitted that questions pertaining to the determination of sovereignty were confided to the legislative and executive departments, but ruled that the courts were not debarred from examining status resulting from earlier action. He also pointed to the undoubted power of Congress to regulate, in some instances, the activities of its citizens outside the United States. Justice Jackson, Chief Justice Vinson, and Justices Frankfurter and Burton dissented largely on the basis of interpretation of the term "possession" and the meaning of the Fair Labor Standards Act. They admitted that Congress could extend its authority to government contractors anywhere, but contended it had not done so.

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[1] 335 U. S. 377 (1948). The Court refused to apply the principle of this case to *Foley Brothers v. Filardo*, 336 U.S. 281 (1949) where it held that the Federal Eight Hour Law did not apply to American citizens in Iran. Of interest also is *Farmers Reservoir and Irrigation Co. v. McComb*, 337 U.S. 755 (1949), where it was held that a farmer's mutual irrigation company which distributed water only to stockholders whose agricultural produce moved in interstate commerce was engaged in production for commerce within the meaning of the Fair Labor Standards Act.

2. FEDERAL JUDICIAL POWER

Diversity of Citizenship. A number of cases arose in 1948–1949 which involved the federal judicial power. In *National Mutual Insurance Co. v. Tidewater Transfer Co.*[2] the Court sustained the validity of an act of Congress of 1940 which conferred jurisdiction on United States district courts in suits between citizens of different states, or citizens of the District of Columbia, the Territory of Hawaii or Alaska, and any state or territory. Justice Jackson announced the judgment of the Court, in an opinion joined only by Justices Black and Burton. He regarded the issue as affecting "only the mechanics of the administration of justice in our federation" and averred that in "mere mechanics of government and administration" Congress should have all the freedom permitted by the Constitution to adapt machinery to the needs of changing times. He admitted that the District of Columbia is not a state within the meaning of that term generally in the Constitution and specifically within the meaning of Article III, but contended that Congress' power to legislate for the welfare of the residents of the District of Columbia includes the power to provide them with an adequate judicial system not only to adjudicate cases among themselves, but also between them and citizens of the various states. Since the statue imposed no duties of a legislative or administrative nature and since Congress had not sought to usurp judicial functions the act was valid. Here Justice Jackson seems to accept the untenable proposition that Congress can extend indefinitely the jurisdiction of the federal courts regardless of the enumeration of cases and controversies in Article III, so long as it does not violate the separation of powers by imposing non-judicial functions upon courts or by usurping for itself judicial functions. Justice Jackson cited *O'Donoghue v. United States*[3] which applied only to the courts of the District of Columbia and proceeded in further confusion to cite the Tucker Act authorizing the district courts to hear claims and the Federal Tort Claims Act of 1946. However, each of these statutes would clearly fall within those cases "arising under the Constitution, laws, or treaties of the United States." The same observation applies to his reference to the power of Congress to enact uniform bankruptcy laws as a justification of vesting jurisdiction in constitutional courts generally under Article I. He concluded his opinion by saying that to put federal justice within the reach of the residents of the District is a lawful object and that Congress has found it necessary and proper to utilize the district courts as a means to this end. Congress' view is entitled, in his belief, to great respect and the Court's ideas of the wisdom of this view are irrelevant.

Justice Rutledge, joined by Justice Murphy, concurred in the result. They would have reversed Marshall's holding in *Hepburn and Dundas v. Ellzey*[4] and held the District of Columbia a state within the meaning of Article III. Justice Frankfurter, who wrote more opinions than other any justice during this term of Court, was joined by Justice Reed in a dissent. He found the precision of Article III in striking contrast to the other articles of the Constitution. Here of all places, he argued, the framers intended to be specific and, "Considering their responsibility, their professional habits, and their alertness regarding the details of Article III, the precise enumeration of the heads of jurisdiction made by the Framers ought to preclude the notion that they shared the latitudinarian attitude of Alice in Wonderland toward language." Though every indulgence must be entertained in favor of the validity of a statute, the cases to which jurisdiction may be extended under Article III "preclude any claim to discretionary authority to add to the cases listed by Article III or to change the distribution as between original and appellate jurisdiction made by that Article." In conclusion Justice Frankfurter pointed to the manner in which "conflicting minorities in combination bring to pass a result—paradoxical as it may appear—which differing majorities of the Court find insupportable."

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[2] 337 U.S. 582 (1949).

[3] 289 U.S. 516 (1933).

[4] 2 Cranch 445 (1804).

Chief Justice Vinson, joined by Justice Douglas, also dissented on the ground, among others, that the District is not a state. In the light of *Marbury v. Madison*[5] here was a clear case for judicial review in the sense that the statute involved applied directly to courts.

The Tompkins Rule. In *Cohen v. Beneficial Industrial Loan Corporation*[6] the Court held on the authority of the Tompkins rule[7] that a federal court in a diversity case was bound to follow a New Jersey statute which made plaintiff stockholders in suits against corporations liable for the costs of defense, if unsuccessful, and required security for payment as a condition of bringing the suit if the holdings of such stock owners amounted to less than five per cent of the outstanding stock. In his dissent Justice Rutledge objected to the extent to which the Court has gone in submitting control of diversity jurisdiction to the states rather than to Congress, where he thought it properly belonged, and to the unwarranted extension of the Tompkins rule. *Woods v. Interstate Realty Co.*[8] marked the application of the earlier announced principle that for purposes of diversity jurisdiction a federal court is "in effect only another court of the State."[9] Here the Tompkins rule was applied so as to prevent a Tennessee corporation from bringing a suit in a federal court, because a Mississippi statute barred its courts to foreign corporations which failed to designate agents in Mississippi with the power of attorney. In dissenting Justice Jackson regarded the decision as a perversion of the Tompkins rule in that the majority ignored the ruling of Mississippi Courts that the statute did not preclude suits in federal courts. Justices Rutledge and Burton also dissented.

*War Crimes.*The solitary war crimes case to arise during the 1948–1949 term was settled on the basis of lack of jurisdiction.[10] Koki Hirota's petition for a writ of habeas corpus to review his conviction by an international commission was denied in the ruling that the military tribunal set up by the Supreme Commander of the Allied Powers was not a court of the United States, and its decisions were not therefore subject to review by the courts of the United States. In this manner the Court not only rejected the invitation of Hirota to become a supreme international tribunal, but it also avoided giving an order to one of the more independent generals since Jackson's imprisonment of a territorial judge. Justice Murphy dissented without opinion and Justice Douglas filed a concurring opinion. In the latter's view the fact that the tribunal was created by the Allied Powers did not preclude jurisdiction since the writ of habeas corpus would run to an American general. To this extent, he argued, the Constitution followed the flag, and there was no power to which an American official owed greater allegiance than to the United States. However, the Court could not review the conviction here because the tribunal acted "as an instrument of military power of the Executive branch of government." The international commission was created by military order, "took its law from its creator," and was not a free and independent tribunal under international law. "It was solely an instrument of political power." The conviction, therefore, raised only political questions for solution by the President as commander in chief and as the sole organ for the conduct of foreign relations.

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[5] 1 Cranch 137 (1803). [6] 337 U.S. 541 (1949).

[7] *Erie Railroad Co. v. Tompkins*, 304 U.S. 64 (1938). [8] 337 U.S. 535 (1949).

[9] *Guaranty Trust Co. of New York v. York*, 326 U.S. 99 (1945). See also *Ragan v. Merchants Transfer and Warehouse Co.*, 337 U.S. 530 (1949) where the Kansas statute of limitations was applied in the face of a federal rule which would have permitted the suit. Justice Rutledge dissented.

[10] *Koki Hirota v. General of the Army MacArthur*, 338 U.S. 197 (1948).

Cases and Controversies. In *United States v. Interstate Commerce Commission*[11] we find the United States in the somewhat novel position of suing itself. The Interstate Commerce Act makes the United States a party defendant in suits against the Commission. The Attorney General appeared for the Government as both plaintiff and defendant. Although admitting the force of the general rule that a person cannot sue himself, the Court found in this case controversies "traditionally justiciable," and sustained the Government's right of action as a shipper to recover excessive charges made by the carriers as approved by the Commission in an order which was held arbitrary and not based on substantial evidence. Justice Frankfurter, joined by Justices Jackson and Burton, dissented on other grounds.

Eisler v. United States[12] presented a jurisdictional issue in that Eisler took leave of the country prior to the Court's final disposition of his case. Certiorari had been granted, the case had been argued, and it was ready for final decision when Eisler suddenly left the country. In a per curiam opinion the majority ordered the case removed from the docket until further direction. Justice Frankfurter, joined by the Chief Justice, dissented and argued that the abstract questions presented by Eisler were no longer attached to a party litigant and any decision would be an advisory opinion. They would have dismissed the case. Justice Murphy dissented on the grounds that the case was not moot and that the important legal issues "did not leave the country when Eisler did." Justice Jackson in his dissent argued that if there were good reasons to grant review, they still existed and should be resolved, but the action of the majority refuted his parting shot that the Court "cannot run away from the case just because Eisler has." He would have affirmed the decision and would leave to Congress the responsibility for controlling the behavior of its committees.

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[11] 337 U.S. 426 (1949).

[12] 338 U.S. 189 (1949).

Sovereign Immunity. From the viewpoint of governmental administration important issues were settled in *Larson v. Domestic and Foreign Commerce Corporation*[13] where the Court, speaking through the Chief Justice, confined the rule of *United States v. Lee*[14] to very narrow limits and held that a suit brought against the War Assets Administrator to restrain the sale of certain surplus coal to any person other than the plaintiff was a suit against the United States and could not be entertained either to compel or to restrain the delivery of the coal. The administrator had regarded the contract with the plaintiff as breached when he substituted an unsatisfactory letter of credit for advanced payment. There was no claim that the administrator was personally interested. The suit to compel delivery was held to be against the sovereign because it was brought against the administrator, in his official capacity, for official action under a valid statute. Chief Justice Vinson went on to indicate that even though official action may be tortious, it is not *ultra vires* for that reason alone. This case and the Lee case were distinguished on the grounds of the lack of constitutional authority in the latter, and *Goltra v. Weeks*[15] was in effect overruled.

The Court reiterated the rule that "the action of an officer of the sovereign (be it holding, taking, or otherwise legally affecting the plaintiff's property) can be regarded as so 'illegal' as to permit a suit for a specific relief against the officer as an individual only if it is not within the officer's statutory powers or, if within those powers, only if the powers, or their exercise in the particular case, are constitutionally void." The argument that the doctrine of sovereign immunity should be relaxed was ruled not applicable to suits for specific relief as distinguished from damage suits because "The Government, as representative of the community as a whole, cannot be stopped in its tracks by any plaintiff who presents a disputed question of property or contract right."

This decision evoked a long and informative dissent from Justice Frankfurter in which he classified immunity cases and suits against officials with an appendix of citations as classified added. He deplored the overruling or explaining away of *Unitcd States v. Lee.* He was jointed by Justice Burton. Justice Jackson dissented without an opinion, and Justice Rutledge concurred in the result.

3. FEDERAL BILL OF RIGHTS

Due Process of Law. Of the four cases involving due process of law in the Fifth Amendment, three had to do with orders of administrative agencies and one with the action of a Congressional committee. In *Federal Communications Commission v. W J R*[16] a unanimous Court reversed the Court of Appeals of the District of Columbia and ruled that oral argument on every question of law is not essential to due process of law and any right of oral argument varies from case to case in accordance with different circumstances. To hold otherwise, said the Court, would not only do violence to earlier decisions but also "to the constitutional power of Congress to devise differing administrative and legal procedures appropriate for the disposition of issues affecting interests widely varying in kind."

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[13] 337 U.S. 682 (1949).

[14] 106 U.S. 196 (1892).

[15] 271 U.S. 536 (1926).

[16] 337 U.S. 265 (1949).

In *National Labor Relations Board v. Stowe Spinning Co.*[17] the Court over three dissents sustained a finding by the Board of an unfair labor practice when a union organizer was denied the use of a company-owned meeting place which was not a part of the company's business. In response to company arguments Justice Murphy asserted that not every interference with property rights is within the Fifth Amendment and that "Inconvenience or even some dislocation of property rights may be necessary in order to safeguard the right to collective bargaining."[18]

United States v. Jones[19] is significant insofar as it reaffirmed the principle that rate-making is essentially legislative in nature and stressed the inability of courts to exercise such a function as an "inherent, actual, as well as legal disability." Confiscation was held not shown by the rates fixed by the Interstate Commerce Commission under the Railway Mail Act.

Elements of a Trial. One of the most publicized federal due process cases was *Christoffel v. United States*[20] which involved Christoffel's conviction of perjury for denying that he was a Communist before the House Committee on Education and Labor. He appealed on the ground raised in the original trial that a quorum of the Committee was not present when the incident for which he was indicted and tried occurred. The trial jury had been charged that a quorum had to be present at the beginning of the session, but Christoffel objected that the charge neglected subsequent facts. Justice Murphy, for a divided Court, ruled that a criminal trial is an appropriate place for raising the question of the lack of a quorum and held that all elements of the crime charged must be proved beyond a reasonable doubt and that one element of the crime charged is the presence of a competent tribunal, since an incompetent tribunal is no tribunal. Christoffel's conviction was accordingly reversed. Chief Justice Vinson, joined by Justices Reed and Burton, dissented largely on the basis of the competency of each House of Congress to determine rules of procedure to govern committees. What Congress could do by express rule it could do by custom and practice as it had done in the matter of the requirement of a quorum at the beginning of a meeting. This minority also objected to Christoffel's failure to object to the absence of a quorum at the time the incident occurred and pointed gloomily to the possibility of overturning every Congressional Act or Committee action on the oral testimony of interested parties, apparently on the assumption that every such act or action is punitive. Justice Jackson dissented without an opinion, but he had indicated in the Eisler case that he favors placing the responsibility for the control of Congressional committees upon Congress.

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[17] 336 U.S. 226 (1949).

[18] Quoting from *Republic Aviation Corporation v. National Labor Relations Board*, 324 U.S. 798, 802 (1944).

[19] 336 U.S. 641 (1949).

[20] 338 U.S. 84 (1949).

Trial by Jury. Frazier v. United States [21] sustained a conviction on a narcotics charge over the objections of the defendant that he was found guilty by a jury consisting exclusively of federal employees of whom two were Treasury employees. Justice Rutledge held for a divided Court that Frazier was not denied trial by an impartial jury because he exhausted his peremptory challenges on a number of veniremen in private employment and the other on a government employee. Frazier was held, therefore, to be in no position to repudiate the consequences of his action. Moreover, according to the majority, there is no right to a particular composition of a jury or to group representation, and the Sixth Amendment prescribes no specific tests for ascertaining impartiality. Justice Jackson, joined by Justices Frankfurter, Douglas and Murphy, dissented partly because of government influence and human weakness, especially apparent in Washington, which might lead men "'to crook the pregnant hinges of the knee where thrift may follow fawning,'" and partly because of the practice of the courts of the District in giving excuses from jury service to veniremen desiring them with the practical result that juries are predominantly composed of federal employees who continue to receive regular pay.

Unreasonable Searches and Seizures. Four cases involving unreasonable searches and seizures were decided in 1948–1949. In *McDonald v. United States*[22] the accused was convicted by the district court of the District of Columbia of operating a numbers game on the basis of evidence seized without a search warrant. After watching McDonald for two months, police officers broke into the rooming house where he kept a room, peered into his room, and saw the numbers slips, money, and adding machines. The police officer yelled at McDonald to open the door. He did so and the arrests were made. Justice Douglas rendered the judgment of the Court in an opinion supported in whole only by Justices Frankfurter and Murphy, since Justice Black concurred only in the result, and Justice Rutledge concurred in the opinion and result with respect to one defendant. Justice Jackson wrote a separate concurring opinion, and Justice Burton wrote a dissent in which Chief Justice Vinson and Justice Reed concurred. The Douglas opinion emphasized the lack of an emergency, the vague and general testimony that warrants had been sought and denied, the absence of any attempt of the accused to flee or to destroy the evidence, and the lack of any reason save inconvenience and delay in obtaining a warrant. Justice Jackson thought unlawful breaking and entry into a rooming house a more serious offence than a numbers lottery. The dissenters pointed to the mobility of the numbers game, the difficulty of apprehending the defendants, and absence of the defendant's right to object to the presence of the officers in the hall of the rooming house.

Lustig v. United States[23] involved a more serious offense, but plunged the Court into a similar division. Justice Frankfurter gave the judgment of the Court, but was joined in his opinion by only Justices Douglas, Murphy, and Rutledge, with Justice Black concurring in the result. Justice Reed, supported by the Chief Justice, and Justices Jackson and Burton dissented. Justice Frankfurter emphasized the premature presence of a secret service agent at a search made by local police officers on the agent's earlier suggestion. Here the federal agent went to the scene of the search, when invited by local police who had entered the premises without a warrant and obtained evidence of counterfeiting. This action was said to involve him in the search before it was completed. Justice Murphy in a concurring opinion, supported by Justices Douglas and Rutledge, took the position that the important consideration is the illegality of the search, regardless of whether conducted by state or federal authorities. Justice Frankfurter would permit the federal authorities to eat of such forbidden fruit when presented "on a silver platter." The dissenters emphasized the absence of federal participation.

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[21] 335 U.S. 497 (1948).

[22] 335 U.S. 451 (1948).

[23] 338 U.S. 74 (1949).

A different alignment of judges combined to uphold the conviction of a bootlegger on the basis of liquor seized without a warrant in *Brinegar v. United States.*[24] Justice Rutledge who spoke for the majority found probable cause to exist in such facts as the officers' recognition of Brinegar and his automobile, his known dealings in illicit liquor, and his proceeding from a known source of liquor supply toward a probable illegal market. To the majority the probabilities envisaged by probable cause were not "technical," but "factual and practical considerations of everyday life on which reasonable and prudent men, not legal technicians, act." Requiring more would unduly hamper law enforcement. Justice Jackson, in whose dissent Justices Frankfurter and Murphy concurred, began his opinion by opposing the idea that some constitutional rights have a preferred position. In his view the rights of the Fourth Amendment are not secondary, but indispensable. Whereas he would strain himself to permit the setting up of road blocks and the searching of every automobile in a kidnapping case, he would not "strain to sustain such a road block and universal search to salvage a few bottles of bourbon and catch a bootlegger." In this manner Justice Jackson seems to propose that the right of the government to make searches and seizures varies directly with the enormity of the offence involved.

United States v. Wallace & Tiernan Co.[25] involved a more prosaic matter than numbers, bourbon, and counterfeit money. Here a defendant in a civil antitrust proceeding, after a criminal indictment had been dismissed because the grand jury which returned it contained no women, contended that production of testimony before the grand jury in the civil suit constituted an unreasonable search and seizure. For once a unanimous Court agreed on searches and seizures and sustained the introduction of the testimony.

Double Jeopardy. Wade v. Hunter[26] might bear the subtitle, "Ancient Manners in Mechanized Warfare." Here a tactical military situation interrupted a trial by general court martial of a soldier charged with rape. After the testimony of all but a few witnesses had been taken, the charges were transmitted to the Third Army for a new trial, but tactical considerations led to another transfer to the Fifteenth Army which tried and convicted the accused. Justice Black

[24] 338 U.S. 160 (1949). [25] 336 U.S. 793 (1949). [26] 336 U.S. 684 (1949).

speaking for a majority of six to three found no double jeopardy since there had been no final judgment, but Justice Murphy, in whose dissent Justices Douglas and Rutledge concurred, found the harassment of repeated trials no less because the Army was advancing.

Self Incrimination. The rule of *McNabb v. United States*[27] was applied to the state of facts in *Upshaw v. United States*[28] where the appellant had been convicted of grand larceny in the District of Columbia on the basis of a pre-trial confession made during a thirty-hour period of questioning preceded by his arrest without a warrant. The arresting officer did not take the accused to a magistrate for preliminary hearing for thirty hours because he thought there "was not a sufficient case" to hold the accused and he would not then be able to question him. Justice Reed, supported by the Chief Justice and Justices Jackson and Burton, dissented on the basis of the meaning of the NcNabb ruling. *Smith v. United States*[29] involved the reversal of a conviction for violation of OPA regulations because the Compulsory Testimony Act made absolute immunity from federal prosecution necessary to compel the desired testimony.

Eminent Domain. Issues of just compensation for property requisitioned or condemned by the Government during World War II continued to come to the Court during 1948–1949. In *United States v. Cors*[30] a majority of five to four refused to base the value of a tug requisitioned by the Government in 1942 on its market value on the assumptions that "just compensation" has not been reduced to a formula; that though market value should be considered, the Court has not and should not make a fetish of it; and above all that the Government should not be required to pay an enhanced price which its demand alone had created. The Chief Justice dissented without an opinion, and Justices Jackson and Burton concurred in Justice Frankfurter's dissent emphasizing market value. A realignment of the Justices produced a different result in *Kimball Laundry Co. v. United States*[31] where the Court decided over the dissent of Justice Douglas, Chief Justice Vinson, and Justices Black and Reed that the United States was bound to compensate a laundry company not only for the value of the physical plant taken by the Army but also for the value of the company's business, trade routes, and customers as measured by gross income. This ruling was based on Justice Frankfurter's formula of value as a going concern compensable only to the extent of "transferable momentum," a euphemism for consequential damages. To him and the three judges who joined in the Court's opinion, the question was not what the Government had taken, but what the owner had lost. Justice Rutledge concurred in the result. Justice Douglas pointed out that the trade routes were not used by the Army and that the judgment violated the rule that consequential damages are not compensable. In his view the doctrine promised swollen awards not required by the Constitution. He concluded by asserting that the award could not be increased unless the Court was "to sit as a Committee on Claims of the Congress and award consequential damages."

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[27] 318 U.S. 332 (1943).

[28] 335 U.S. 410 (1948).

[29] 337 U.S. 137 (1949).

[30] 337 U.S. 325 (1949).

[31] 338 U.S. 1 (1949).

B. QUESTIONS OF STATE POWER

1. DUE PROCESS OF LAW

Freedom of Speech and the Press. Cases involving freedom of speech continued to come to the Court where they have enjoyed especially hospitable reception for some years. The most important was *Terminiello v. Chicago*[32] which involved the conviction of a truculent rabble-rouser for disorderly conduct in violation of a city ordinance prohibiting the making of or assisting in a breach of the peace. The trial court instructed the jury that breach of the peace consisted of any "misbehavior which violates the public peace and decorum" and that "misbehavior may constitute a breach of the peace if it stirs the public to anger, invites dispute, brings about a condition of unrest, or creates a disturbance, or if it molests the inhabitants in the enjoyment of peace and quiet by arousing alarm." The charge, if anything, was something of an understatement in the light of Terminiello's conduct in addressing a meeting called by Gerald L. K. Smith. While an angry crowd and picket lines outside were shouting, "Fascists, Hitlers, damn Fascists," and while bricks were being thrown, the unfrocked priest inside was denouncing "the scum outside, slimy scum that got in by mistake," "snakes," "bedbugs," the "fifty-seven varieties of Communism" in the United States, "crystal gazers in Washington," "Queen Eleanor," and Jews, with occasional references to a "blood soaked revolution" and pleas to his audience not to resort to violence if they could refrain from it (in the hope apparently they could not). Suffice it to say, the presence of the city police enabled Terminiello to say his piece and depart uninjured. In the light of the evidence and the judge's charge, Terminiello was convicted and fined one hundred dollars.

Although there was no prior restraint on speech as there was in *Hague v. CIO*[33] or as there was thought to be in *Thomas v. Collins*,[34] and although Terminiello's language, not to mention his inflections, might come within the conception of "fighting words" in *Chaplinsky v. New Hampshire*,[35] a majority of five judges reversed the conviction in part on the basis of the charge to the jury and in part on theories of absolutism in freedom of expression. Justice Douglas, who spoke for the majority, referred to the functions of speech "to invite dispute," to induce "conditions of unrest," to create "dissatisfaction with things as they are," or even to stir "people to anger." Though disavowing that free speech is absolute, the Court argued that it is protected against censorship or punishment "unless shown likely to produce a clear and present danger of a serious substantive evil that rises far above public convenience, annoyance, or unrest."

Chief Justice Vinson in a dissent took issue with the majority's ruling that an exception to the charge was not necessary at the trial. Justice Frankfurter in a dissent, supported by Justices Jackson and Burton, objected to the reversal of a conviction on a ground not urged upon the Court and displayed his usual deference to the judgments of state courts. Justice Jackson in a long dissent, joined by Justices Frankfurter and Burton, emphasized the conception of "fighting words" and the "clear and present danger" rule. To him the decision was an abandonment of the cases embodying these concepts and the substitution in their place of "a dogma of absolute freedom for irresponsible and provocative utterance which almost completely sterilizes the power of local authorities to keep the peace as against this kind of tactics." Justice Jackson also recalled that the incorporation of freedom of speech into the due process clause of the Fourteenth Amendment in *Gitlow v. New York*[36] was purely judge-made law. While he had no quarrel with this phase of constitutional history, he did object to the tendency of later decisions to immunize "this battle for the streets from any form of control." Justice Jackson also indicated that freedom of speech exists only under law and not independent of it. The Constitution, he argued, makes domestic tranquility an object as well as liberty. In the long run, he thought, freedom of speech would be more endangered if there were no protection from abuses leading to violence. In conclusion he reminded the majority: "This Court has gone far toward accepting the doctrine that civil liberty means the removal of all restraints from these crowds and that all local attempts to maintain order are impairments of the liberty of the citizen. The choice is not between order and liberty. It is between liberty with order and anarchy without either. There is danger that, if the Court does not temper its doctrinaire logic with a little practical wisdom, it will convert the constitutional Bill of Rights into a suicide pact."

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[32] 337 U.S. 1 (1949).

[33] 307 U.S. 496 (1939).

[34] 326 U.S. 516 (1945).

[35] 315 U.S. 568 (1942).

Less than four months before the decision of the Terminiello case a majority of the Court took some of the absolutism from freedom of speech in *Kovacs v. Cooper*[37] and upheld an ordinance of Trenton, New Jersey, prohibiting the operation upon the streets of any sound truck or amplifier, or any instrument emitting loud and raucous noises if attached to a vehicle. Justice Reed announced the judgment of the Court in an opinion supported only by Chief Justice Vinson and Justice Burton. In their view the words "loud and raucous" were not so vague and indefinite as to deny due process of law, nor was the ordinance an interference with free speech since the devices could be used elsewhere. The case differed from *Saia v. New York*[38] because the Trenton ordinance, unlike the Lockport ordinance, did not vest uncontrolled discretion in the Chief of Police. Justice Reed averred that speech in the streets is not beyond all control and suggested that the "preferred position" of free speech "does not require legislators to be insensible to claims by citizens to comfort and convenience." Justice Frankfurter in concurring attacked the conception of the "preferred position" of free speech as a phrase that had "crept uncritically into recent opinions." He declared that the conception of "preferred position" and presumptions of invalidity of statutes affecting speech, the press, and religion had never been accepted by a majority of the court. The difference between sound trucks and the unaided voice was enough in his view to leave the terms on which sound trucks may be permitted, if at all, to the legislature. In concluding, Justice Frankfurter paid a tribute to peace and tranquility, saying: "So long as a legislature does not prescribe what ideas may be noisily expressed and what may not be, nor discriminate among those who would make inroads upon the public peace, it is not for us to supervise the limits the legislature may impose in safeguarding the steadily narrowing opportunities for serenity and reflection. Without such opportunities freedom of thought becomes a mocking phrase, and without freedom of thought there can be no free society." Justice Jackson in concurring contended that freedom of speech does not include freedom to drown out natural speech, but he agreed with Justice Black that the decision repudiated the Lockport case, for the ordinance there was more moderate.

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[36] 268 U.S. 652 (1925). [37] 336 U.S. 77 (1949). [38] 334 U.S. 558 (1948).

Justice Black wrote a dissent in which Justices Douglas and Rutledge concurred. He contended that the Saia case had been overruled and proceeded to argue that the "basic premise of the First Amendment is that all present instruments of communications, as well as others that inventive genius may bring into being, shall be free from government censorship or prohibition." To suppress one channel of communication is to discriminate in favor of another, and not all have the money to communicate by means of newspapers, broadcasting stations, or motion pictures. Justice Black asserted that statutes can be drawn to protect the community against unreasonable use of loud speakers without denying the use of new media of communications, but he did not indicate how they could be drawn other than to intimate that he would permit control on busy streets to include prohibition and control of the volume of sound.

Justice Rutledge contended that Kovacs was convicted of no one knows what, because of disagreement among the majority. Although he did not question the power of the states to regulate the use of sound trucks by narrowly drawn statutes, he contended that limiting speech to the range of the natural voice in 1790 would be like confining the commerce power to navigation by sail and travel by horses and oxen. He asserted, too, that Justice Frankfurter demonstrated "the conclusion opposite to that" which he drew, namely, that the basic freedoms occupy a preferred position not only in the Bill of Rights, but also in Supreme Court opinions. Justice Murphy dissented without an opinion.

Issues of free speech were more readily resolved in three other cases. A unanimous court rejected the contention of a labor union that anti-closed shop laws in Nebraska and North Carolina indirectly interfered with freedom of speech, assembly, and petition because of the essential nature of the closed shop to these rights.[39] Similarly, the Court upheld a cease and desist order of the Wisconsin Employment Relations Board directed against work stoppages caused by the calling of special union meetings during work hours over the objection of the union that such interfered with freedom of speech and assembly and made for involuntary servitude.[40] Justices Black, Douglas, Murphy and Rutledge dissented on other grounds.

[39] *Lincoln Federal Labor Union v. Northeastern Iron and Metal Co.*, 335 U.S. 525 (1949).

[40] *International Union v. Wisconsin Employment Relations Board*, 336 U.S. 245 (1949).

The Court's retreat from *Thornhill v. Alabama*[41] was continued in *Giboney v. Empire Storage and Ice Co.*[42] where a unanimous Court, speaking through Justice Black, sustained an injunction issued under a Missouri anti-trust law restraining the picketing of an ice plant because it refused to agree not to sell ice to non-union peddlers. No issue of free speech was thought to be involved because the sole object of the picketing was to force the company into an agreement to boycott non-union peddlers by activities which constituted an integrated course of conduct in violation of Missouri law. Neither the Thornhill case nor *Carlson v. California*[43] could support the contention "that conduct otherwise unlawful is always immune from state regulation because an integral part of that conduct is carried on by display of placards by peaceful picketers."

Taken together these three cases involving freedom of speech and labor activities are not only an abundant warning to organized labor that relief from restrictive labor legislation is to be had at the ballot box and not in the courts, but they mark a further contraction of due process of law as a protection of the economic rights of labor under a previously strained construction of freedom of speech. This trend toward removing freedom of speech as a protection of labor interests, if continued, would deprive due process of whatever economic content it has retained until 1948 as a result of withdrawing property rights from its protection in decisions between 1937 and 1948. This would mean that due process would protect only the basic freedoms of religion, speech, press, and assembly in a political context and the procedural requisites of a fair trial or hearing. In combination, therefore, these cases are extremely important.

Self-incrimination. Although the court reversed three convictions obtained on the basis of coerced confessions, the majority in each instance was unable to agree in one opinion. In *Watts v. Indiana*[44] the accused was arrested for criminal assault and murder. He confessed after continuous questioning in relays of three to nine and one-half hours for three days followed by a Sunday of rest and then nine and one-half hours questioning on Monday. During the first two days in custody he was kept in solitary confinement in a place called "the hole." Contrary to Indiana law he was not given a preliminary hearing. Justice Frankfurter announced the judgment of the Court in an opinion supported by Justices Murphy and Rutledge. In their view a confession by which life became forfeit had to be a free choice. Concurring, Justice Douglas denounced the procedure as nothing less than the inquisition and contended that any confession obtained during unlawful detention should be outlawed. Justice Black concurred on the basis of *Chambers v. Florida*[45] and *Ashcraft v. Tennessee.*[46] For similar reasons the same alignment of judges, except for Justice Jackson who joined the minority, reversed a conviction of first degree murder in a Pennsylvania court in *Turner v. Pennsylvania.*[47] Although the questioning was less rugged than that to which Watts was subjected, Turner had been held for five days contrary to state law without being permitted to see friends or relatives. A similar alignment of judges in the Turner case joined again to reverse a South Carolina court's conviction of a negro for murder in *Harris v. South Carolina.*[48] Here the questioning was more intensive and was accompanied by threats of the officers to arrest the mother of the accused for handling stolen property. From the time that he was taken into custody until his confession some days later Harris was not informed of his right to counsel, a preliminary hearing, or to remain silent. In a single opinion Justice Jackson concurred in the judgment in the Watts case and dissented in the other two. His view was that the issues of coerced confessions had to be settled according to the circumstances of each case and the duration of questioning was irrelevent. He raised a number of questions concerning the rights of persons accused of crime and the interests of society in detecting and punishing crime and candidly stated that he would not answer, preferring at the time not to increase the handicap on society. Chief Justice Vinson and Justices Reed and Burton dissented in all three cases without an opinion.

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[41] 310 U.S. 88 (1940).

[42] 336 U.S. 490 (1949).

[43] 310 U.S. 106 (1940).

[44] 338 U.S. 49 (1949).

[45] 309 U.S. 227 (1940).

[46] 322 U.S. 143 (1944).

[47] 338 U.S. 62 (1949).

Unreasonable Searches and Seizures. By a *tour de force* the Court attained something of an anticlimax in *Wolf v. Colorado*[49] when it held in an opinion by Justice Frankfurter that the due process clause of the Fourteenth Amendment included protection of one's right to privacy against unreasonable searches and seizures and then proceeded to rule that due process did not require the suppression of evidence seized in an unreasonable search on the ground that most of the English speaking world does not regard the suppression of such evidence as vital. This thesis is substantiated by a statistical analysis of state laws on the admissibility of such evidence, before and after *Weeks v. United States,*[50] and of practice in the United Kingdom and the British Commonwealth of Nations. From his review of statistics and practices in other jurisdictions, Justice Frankfurter deduced that due process of law is satisfied by "remedies of private action and such protection as the internal discipline of the police, under the eyes of an alert public opinion, may afford." Generally speaking, this may be no protection at all, as Justice Murphy's dissent pointed out.

Justice Frankfurter's diligent quest for the "true" meaning of due process of law along trodden and untrodden ways is worthy of further scrutiny. It conveys, he said, "neither formal nor fixed nor narrow requirements," and "is the compendious expression for all the rights which courts must enforce because they are basic to our free society. But basic rights do not become petrified as of any one time, even though as a matter of human experience, some may not too rhetorically be called eternal verities. It is of the very nature of a free society to advance in its standards of what is reasonable and right. Representing as it does a living principle, due process is not confined within a permanent catalogue of what may at a given time be deemed the limits or the essentials of fundamental rights." A "tidy formula for the easy determination of what is a

[48] 338 U.S. 68 (1949). [49] 338 U.S. 25 (1949).

[50] 232 U.S. 383 (1914). This case held that evidence obtained by federal officers in an unreasonable search and seizure is inadmissible in the federal courts in a criminal proceeding and that a conviction based on such evidence constitutes reversible error.

fundamental right . . . may satisfy a longing for certainty but ignores the movements of a free society." Justice Frankfurter finds the "real clue" to the problem of the courts in applying due process of law in recognition by the Court that it is to draw the line by "the gradual and empiric process" of judicial inclusion and exclusion.

Justice Black concurred on the ground that exclusion of evidence obtained illegally is not required by the Fourth Amendment at the national level. Dissenting, Justice Rutledge criticized the decision as reducing the Fourth Amendment to "a pale and frayed carbon copy of the original." Justice Murphy pointed out that the alternative to the suppression of such evidence is no sanction at all against unreasonable searches and seizures. Justice Murphy doubted the desirability of settling due process questions by taking a poll of the rules in various jurisdictions. Justice Douglas agreed with Justice Murphy and dissented for the reasons stated by Justice Black in *Adamson v. California.*[51]

Denial of Counsel. The two cases involving denial of counsel followed the rule of *Betts v. Brady*[52] to the effect that due process of law does not require representation by counsel in every case but only in those where lack of counsel results in an unfair trial. Because of the youth and inexperience of the defendant in *Uveges v. Pennsylvania,*[53] coupled with the failure to inform him of his right to counsel, a conviction of burglary was reversed over the dissent of Justices Frankfurter, Jackson, and Burton. Justice Frankfurter displayed his usual respect for the findings of state courts and the distribution of judicial power in the American federal system and indicated that a reversal of a state court decision as a violation of the Constitution should not be "like a game of blind man's buff." He intimated, too, that the Supreme Court "is the nation's ultimate judicial tribunal, not a super-legal-aid bureau." In *Gibbs v. Burke*[54] the court was unanimous in reversing a conviction for larceny in a Pennsylvania court because of lack of counsel. The defendant not only was not offered counsel, but he was convicted on the basis of inadmissible hearsay testimony which would have been prevented had there been representation by counsel. Justices Black and Douglas in a concurring opinion by the former urged the overruling of *Betts v. Brady.* Justices Murphy and Rutledge concurred in the result.

Discretion to Sentence and Evidence. In *Williams v. New York,*[55] the jury had recommended a life sentence for a defendant convicted of first degree murder. However, in the light of the evidence before the jury and of additional information obtained through the court's probation department and other sources the trial judge imposed the death penalty under a New York statute authorizing the use of information in the record and also the defendant's past criminal record, mental tests, and other information that would aid the judge in pronouncing sentence. A divided Court, speaking through Justice Black, sustained the statute and the conviction as no denial of due process on the basis of a distinction between the rules of evidence pertaining to guilt or innocence and those governing the passing of sentence once guilt is determined. The majority found the statute a reflection of the view that punishment should fit the offender and not merely the crime. Justice Rutledge dissented without an opinion. Justice Murphy thought imposition of the death sentence on the basis of out-of-court information denied due process of law.

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[51] 332 U.S. 46 (1947).

[52] 316 U.S. 435 (1942).

[53] 335 U.S. 437 (1948).

[54] 337 U.S. 773 (1949).

[55] 337 U.S. 241 (1949).

Contempt of Court. The one contempt case to arise under due process of law came from Texas where a state judge in a progressive loss of temper fined a lawyer twenty-five dollars, then raised the fine to fifty, and finally to one hundred dollars and three days in jail for the attorney's persistence in getting a given statement before the jury in a workman's compensation case.[56] A majority in reading the record could not detect the expression, manner of speaking and attitude of the attorney and relied on the record to conclude that the "mildly provocative language from the bench" did not justify contempt of court. A dissent, written by Justice Douglas in which Justice Black concurred, drew the conclusion that the judge picked the quarrel with the lawyer and then sentenced him out of pique. Justice Murphy in a separate dissent contended the sentence violated due process of law, and Justice Rutledge declared there could be "no due process in the absence of calm judgment and action, untinged with anger from the bench."

Habeas Corpus. In *Young v. Ragen*[57] the Supreme Court remanded a case to the Illinois courts and vacated denials of petition for the writ of habeas corpus on the basis of the principle that persons held in custody after conviction in state courts must be afforded a clearly defined method for raising claims of denial of federal rights and due process of law.

State Regulation. The best indication of the changed character of due process as a substantive limitation on the police power is to be found in the cases challenging state regulatory legislation. Of the three cases arising within this category one had to do with the validity of anti-closed-shop statutes, one with the regulation of burial insurance, and one with regulating advertising on motor trucks. All were sustained. A unanimous Court sustained the Nebraska constitutional amendment and the North Carolina statute prohibiting closed shop contracts and forbidding employers to discriminate against non-union workers in *Lincoln Federal Labor Union v. Northeastern Iron and Metal Co.*[58] In citing the changed character of due process Justice Black concluded that the clause did not put Congress or the state legislatures "in a straight jacket when they attempt to suppress business and industrial conditions which they regard as offensive to the public welfare." And thus the cup that had once been passed to property was now passed to labor. In a longer concurring opinion Justice Frankfurter displayed energy in reviewing the earlier interpretation of due process and the changed attitude of the Court and in analyzing the power of unions in the state.

Daniel v. Family Security Life Insurance Co.[59] presented another unanimous opinion which sustained a South Carolina statute separating the business of insurance from the undertaking business. Justice Murphy pointed to the shift of emphasis from the words "unreasonable" and "arbitrary" which had deprived them of much of their meaning since *Liggett v. Baldridge*,[60] but proceeded to distinguish between the statutes involved there and in the present case. *Railway Express Agency v. New York*[61] also produced a unanimous judgment which sustained a New York City traffic regulation prohibiting the operation of vehicles on the streets for hire when they carried paid advertising.

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[56] *Fisher v. Pace*, 336 U.S. 155 (1949).

[57] 337 U.S. 235 (1949).

[58] 335 U.S. 525 (1949). The Nebraska case was combined with *Whitaker v. North Carolina.*

[59] 336 U.S. 220 (1949).

2. EQUAL PROTECTION OF THE LAWS

The cases involving equal protection of the laws are not outstanding, but *Goesaert v. Cleary*[62] may find a place in a case book. It involved the validity of a Michigan statute regulating the licensing of bartenders in cities with a population of fifty thousand or more inhabitants. The statute provided that no female should be licensed unless she were the wife or daughter of the owner. To Justice Frankfurter who wrote the majority opinion the situation recalled "a historic calling," "the alewife, sprightly and ribald, in Shakespeare," and her role in the social life of England centuries before him. Such history, or all history for that matter, was not torn from the roots by the Fourteenth Amendment. Regulation of the liquor traffic "is one of the oldest and most untrammeled of legislative powers." The statute was valid despite the changed legal and social status of women. "The fact that women may now have achieved the virtues that men have long claimed as their prerogatives and now indulge in vices that men have long practiced does not preclude the States from drawing a sharp line between the sexes, certainly in such matters as the liquor traffic," Justice Frankfurter philosophized: " . . . . The Constitution does not require legislatures to reflect sociological insight, or shifting social standards, any more than it requires them to keep abreast of the latest scientific standards." Although making it clear that a state could exclude all women from bartending, the majority asserted it could not do so without rhyme or reason, because equal protection precludes "irrational discrimination" as between persons and groups. However, bartending by women may give rise to social problems and the legislature need not prohibit all women from bartending if it thinks that as to a defined group of them other factors reduce or eliminate the problems. Since Michigan apparently believed that "the oversight assured through ownership of a bar by a barmaid's husband or father minimized hazards that may confront a barmaid without such protecting oversight," the Court was in no position to gainsay such belief. Moreover, it was sterile to speculate whether the act was more like the "nepotic pilotage law" of Louisiana which had been sustained[63] than the Oklahoma sterilization law which had been invalidated.[64] Nor was the fact that women could work as waitresses in restaurants where liquor was sold a barrier. Justice Rutledge joined by Justices Douglas and Murphy dissented on the basis of the discrimination between male and female bar-owners.

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[60] 278 U.S. 105 (1928). This case invalidated a Pennsylvania statute designed to prohibit ownership of drug stores by non-registered pharmacists.

[61] 336 U.S. 106 (1949). [62] 335 U.S. 464 (1948).

[63] *Kotch v. Board of River Port Pilot Commissioners*, 330 U.S. 552 (1947).

[64] *Skinner v. Oklahoma*, 316 U.S. 535 (1942).

The other cases involving equal protection deal with more routine issues than hazards to unwed and fatherless barmaids. In *McDougall v. Green*[65] the Court gave a per curiam opinion sustaining the validity of the Illinois statute which required that nominating petitions for candidates of a new political party be signed by at least 25,000 voters, including 200 voters from at least 50 counties. Although 52% of the voters resided in one county, 87% in 49, and 13% in the 52 least popular counties, the Court found no denial of due process, equal protection, or privileges and immunities of the Fourteenth Amendment on the authority of *Colegrove v. Green.*[66] Justices Douglas, Black, and Murphy dissented on the ground that the "theme of the constitution is equality among citizens in the exercise of their political rights," and the "notion that one group can be granted greater voting strength than another is hostile to our standards for popular representative government."

An Ohio ad valorem tax on the notes and accounts receivable derived by foreign corporations from interstate shipments originating in Ohio was invalidated because it exempted residents and domestic corporations.[67] Except for the disagreement between Justice Douglas and Justice Jackson the case was otherwise insignificant. In a dissent supported by Justice Black, Justice Douglas stated that a corporation was not a person within the meaning of the Fourteenth Amendment. He indicated that he would have taken this position earlier had the issue been before the Court. This statement evoked a sharp individual comment from Justice Jackson, who had written the majority opinion, in which he cited cases where the issue was inherent and in which Justice Douglas participated even to the extent of writing some of the opinions of the Court without raising the issue. These cases included *Ott v. Mississippi Valley Barge Line,*[68] and *Railway Express Agency v. New York,*[69] both decided in the 1948 term.

The issue of equal protection was raised along with others in *Railway Express Agency v. New York,*[70] which validated the New York City traffic regulation prohibiting the carrying of paid advertising on motor vehicles operated for hire. There was no denial of equal protection because the local authorities may have concluded that those firms advertising their own wares presented less of a traffic problem. That greater displays like those in Times Square were not touched did not invalidate the statute because equal protection does not require the removal of all evils. Justice Jackson could see no difference in the kinds of advertising permitted and condemned but concurred because of the city's right to control the use of its streets.

Labor's contention in *American Federation of Labor v. American Sash & Door Co.*[71] that Arizona's constitutional amendment prohibiting the closed shop denied equal protection in that it failed to protect union as well as non-union workers against discrimination was rejected. The Court found adequate protection for union members in other Arizona laws. Only Justice Murphy dissented. The Nebraska constitutional amendment and the North Carolina statute prohibiting the closed shop were likewise sustained as being no denial of equal protection, but these prohibitions called for equal opportunities for union and non-union workers.[72]

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[65] 335 U.S. 281 (1948). [66] 328 U.S. 549 (1946).

[67] *Wheeling Steel Corporation* v. *Glander,* 337 U.S. 562 (1949).

[68] 336 U.S. 169 (1949). [69] 336 U.S. 106 (1949). [70] *Ibid.*

[71] 335 U.S. 538 (1949).

3. FEDERAL-STATE RELATIONS

Taxation of government instrumentalities. The solitary case involving constitutional tax exemption was *Oklahoma Tax Commission v. Texas Co.*[73] Here, the Texas Company, as the lessor of mineral rights in allotted and restricted Indian lands claimed exemption from payment of non-discriminatory state gross production and excise taxes on the petroleum produced from such lands. Justice Rutledge stated the rule that property purchased by private persons from the federal government becomes a part of the general mass of property in a state and must bear its fair share of state and local taxation. On the basis of a revised judicial attitude, as reflected particularly in *Helvering v. Mountain Producers Corporation,*[74] five earlier cases having to do with constitutional tax exemption were expressly reversed as being out of harmony with correct principles.[75] The Court made it clear that there was no implication that Congress lacked the power to extend the immunity here judicially withheld and that the extension of immunity from taxation in such situations was eventually a legislative question. Justice Jackson concurred in the result. There were no dissents.

State Police Power and Interstate Commerce. That branch of constitutional law having to do with the impact of state regulation and taxation upon interstate commerce is one of the few areas unaffected by doctrines of judicial abstention which began to become commonplace after 1937. The vast expansion of the federal commerce power into areas traditionally occupied by the police power of the states has created acute problems in state and federal relations which evoke pronounced divisions in the Supreme Court and call eventually for the wisest judicial statesmanship.

The most important case in this area and one of the most important of the whole term was *H. P. Hood & Sons v. Du Mond.*[76] Here the Commissioner of Markets of New York had refused a license to a Massachusetts corporation to establish additional facilities in New York for the purchase of milk destined ultimately for resale in Boston. He gave as reasons for his decision that the milk would be diverted from other plants with an attendant rise in the costs of handling milk in those plants and that local markets like Troy would be deprived of milk during the short season. The Court, in a six to three opinion by Justice Jackson, invalidated the order in a line of reasoning which follows that of *Baldwin v. G.A.F. Seelig, Inc.,*[77] although that case was the converse of the present. The Court distinguished between the New York order here and the Pennsylvania order in *Milk Control Board v. Eisenberg Farm Products*[78] on the ground that the present controversy began where the Eisenberg decision left off, whereas the restrictions in Pennsylvania were incidental, and here they were imposed with the avowed purpose and practical effect of curtailing the volume of interstate commerce in order to aid local economic interests.

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[72] *Lincoln Federal Labor Union v. Northwestern Iron & Metal Co.*, 335 U.S. 525 (1949).

[73] 336 U.S. 342 (1949).

[74] 303 U.S. 376 (1938).

[75] The cases were: *Howard v. Gipsy Oil Co.*, 247 U.S. 503 (1918); *Large Oil Co. v. Howard*, 248 U.S. 549 (1919); *Oklahoma v. Barnsdall Refineries*, 296 U.S. 521 (1936); *Choctaw, O., & G. R. Co. v. Harrison*, 235 U.S. 292 (1914); and *Indian Territory Illuminating Oil Co. v. Oklahoma*, 240 U.S. 522 (1916).

[76] 336 U.S. 525 (1949).

[77] 294 U.S. 511 (1935).

Justice Jackson argued that the distinction between a state's power to protect its people "from menaces to health or safety and from fraud, even when those dangers emanate from interstate commerce, and its lack of power to retard, burden or constrict the flow of such commerce for their economic advantage, is one deeply rooted both in our history and our law." He cited the determination of the Framers to federalize the regulation of foreign and interstate commerce. The principle that the "economic unit is the Nation, which alone has the gamut of powers necessary to control of the economy . . . has as its corollary that the states are not separable economic units." He pointed to the consequences of state regulation of commerce and the "fantastic rivalries and dislocations and reprisals" that would ensue from it. Then with a statement in harmony with a great constitutional tradition he asserted: "Our system, fostered by the Commerce Clause, is that every farmer and every craftsman shall be encouraged to produce by the certainty that he will have free access to every market in the Nation, that no home embargoes will withhold his export, and no foreign state will by customs, duties or regulations exclude them. Likewise every consumer may look to the free competition from every producing area in the Nation to protect him from exploitation by any. Such was the vision of the Founders; such has been the doctrine of this Court which has given it reality."

In a dissent in which Justice Rutledge concurred, Justice Frankfurter could not agree "in treating what is essentially a problem of striking a balance between competing interests as an exercise in absolutes." He found no need for uniform federal action[79] and, referring to earlier cases, contended that "In an area where differences of degree depend on slight differences of fact, precedent alone is an inadequate guide." He would at least seek further light by remanding the case to the state courts. In a dissent marked by some acerbity Justice Black argued that the decision and its new formulas would free all local activities from all regulation because Congress could not conceivably enact uniform legislation applicable to local phases of interstate activities in all of the states. He contended, too, that the administrative findings did not imply that the denial of the license was designed to keep milk from going to Boston to aid local interests. The statute, he continued, was "killed by a mere automatic application of a new mechanistic formula." Referring to the Eisenberg decision he said that it required "more than invocation of the spectre of 'Balkanization' and eulogy of the Constitution's framers to prove there is more than a gnat's heel of difference in the burdens imposed on commerce by the two laws." He deplored the use of the due process and commerce clauses as "Siamese twins in a never ending stream of challenges to government regulation" and insisted that it is not the function of the Supreme Court to revise New York's economic judgments.

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[78] 306 U.S. 346 (1939).

[79] Like Justice Black, Justice Frankfurter would have decided this case within the formula of *Cooley v. Board of Port Wardens*, 12 Howard 299 (1851).

Although the reasoning of the dissenters is plausible, cogently expressed, and even persuasive,[80] it appears to overlook one fact of some importance, namely, that Congress out of inertia arising from indifference or ignorance or from sheer lack of time is unlikely to enact statutes solely to outlaw interstate trade barriers. Hence, the Court must do it. In those instances in which judicial policy-making appears to go too far Congress can act as it has in the past to validate state regulation of subjects ranging from the regulation of insurance[81] to the quarantine of alfalfa hay.[82]

In *California v. Zook*[83] the Court, inconsistently with the Hood decision, validated a California statute prohibiting the sale or arrangement of transportation services if the carrier has no permit from the Interstate Commerce Commission although Congress had enacted a similar provision. Justice Murphy speaking for a majority of five to four held that Congress had not preempted the field or manifested clearly its intention to displace local law. Justice Burton in a dissent, in which Justices Douglas and Jackson concurred, contended that Congress had exerted its exclusive jurisdiction and that coincidence was as ineffective as opposition. Justice Frankfurter in his dissent proclaimed that for the first time since *Gibbons v. Ogden*[84] the Court had decided that states can impose an additional punishment for a federal offence unless Congress expressly forbids it to do so.

The other cases presenting conflicts between state and federal regulatory power arose out of the impact of state labor legislation upon the National Labor Relations Act. A majority of five to four sustained an order of the Wisconsin Employment Relations Board, directing a union to cease and desist in work stoppages by calling special union meetings during work hours, as involving no conflict with the Wagner Act. Justices Black, Douglas, Murphy, and Rutledge dissented.[85] The Court also sustained an order of the same board compelling an employer to desist from executing a maintenance-of-membership clause in a contract and to reinstate an employee with back pay for the period since his discharge for refusal to pay union dues.[86] Justice Frankfurter who wrote the majority opinion declared that certification of the union as the bargaining unit by the National Labor Relations Board meant nothing more than that as to the employer the state could not impose a policy inconsistent with national policy. Justices Murphy and Rutledge concurred. Justice Black and Justice Douglas dissented on the basis of administrative interpretation of the statute and on the ground that in abiding by the terms of the contract, the employer was doing no more than the War Labor Board had validly compelled him to do and that the termination of this board did not invalidate contracts made under its intervention.

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[80] The general problem of conflict between Federal authority and state power is presented vividly in a number of recent cases. See *Southern Pacific Co. v. Arizona*, 325 U.S. 761 (1945) and especially Justice Black's dissent. See also *Rice v. Santa Fe Elevator Corporation*, 331 U.S. 218 (1947), and *Cloverleaf Butter Co. v. Patterson*, 315 U.S. 148 (1942), in both of which a majority held that Congressional statutes had superseded state laws in areas traditionally within the police power of the states.

[81] *Prudential Insurance Co. v. Benjamin*, 328 U.S. 408 (1946).

[82] *Oregon-Washington Railway & Navigation Co. v. Washington*, 270 U.S. 87 (1926), and 44 Statutes 250 (1928).

[83] 336 U.S. 725 (1949). [84] 9 Wheaton (1824).

[85] *International Union v. Wisconsin Employment Relations Board*, 336 U.S. 245 (1949).

[86] *Algoma Plywood and Veneer Co. v. Wisconsin Employment Relations Board*, 336 U.S. 301 (1949).

In *LaCrosse Telephone Corporation v. Wisconsin Employment Relations Board*[87] the state agency had certified the Telephone Guild instead of the International Electrical Workers Union Local as the bargaining unit after conducting an election among the employees. The state courts sustained the action on the argument that the state board could act until and unless the National Labor Relations Board determined the bargaining agency. A unanimous Court reversed the order in the absence of any delegation of authority to the state agency by the National Labor Relations Board.

State Taxation and Interstate Commerce. Interstate Oil Pipeline Co. v. Stone[88] was another instance in which a majority was unable to agree in one opinion. It sustained the validity of a Mississippi gross receipts tax on pipelines used for transporting oil from lease tanks to loading racks adjacent to railroads for shipment in interstate commerce. Justice Rutledge announced the decision of the Court in an opinion supported by Justices Black, Douglas, and Murphy. The tax was regarded as being imposed on activities within the state, as nondiscriminatory against interstate commerce, as requiring no apportionment, and as being a tax not capable of repetition by other states. Justice Burton concurred on the ground that the tax was on the privilege of operating a pipeline for transporting oil in interstate commerce. Justice Reed wrote a dissent in which Chief Justice Vinson and Justices Frankfurter and Jackson concurred.

In *Empresa Siderurgica, S. A. v. County of Merced,*[89] the Court, speaking through Justice Douglas, sustained a local property tax on the unshipped portions of a partially dismantled cement plant sold to a Colombia corporation. Neither an intention nor a systematic plan to export was held sufficient to exempt the articles from the tax. Only "entrance of the articles into the export stream" would make it certain they would not be diverted to domestic use. Nor was it enough that the plan was subsequently executed. In a solitary dissent Justice Frankfurter objected to a mechanistic formula, whatever its derivation. He was for remanding the case to the state courts, but tended to accept the contention that, since an integral part of the plant had been shipped, there was certainty the other parts would follow inasmuch as they were useless when separated from the parts already exported.

Ott v. Mississippi Valley Barge Line Co.[90] extended the familiar rule of tax apportionment for the rolling stock of railroads[91] to barge lines on the inland waterways and upheld a Louisiana tax apportioned so as to cover the average portion of the property permanently within the state. Justice Jackson dissented without an opinion. In *Joy Oil Co., Ltd. v. State Tax Commission*[92] a majority upheld a Dearborn, Michigan, tax on gasoline shipped from Grand Rapids to Dearborn for transshipment to Canada. Although a small portion of the gasoline had been shipped before the other was taxed, a delay of fifteen months in the shipment of the remainder was held sufficient to preclude the holding that the first step toward export had been taken or that export would inevitably follow. Chief Justice Vinson countered that the journey had begun in good faith and the delay was immaterial. He was joined in his dissent by Justices Douglas and Jackson.

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[87] 336 U.S. 18 (1949).
[88] 337 U.S. 662 (1949).
[89] 337 U.S. 154 (1949).
[90] 336 U.S. 169 (1949).
[91] *Pullman's Palace Car Co. v. Pennsylvania,* 141 U.S. 18 (1890).

Full Faith and Credit. Union National Bank v. Lamb[93] held that a revived judgment is a new one within the requirements of full faith and credit. Hence a Colorado judgment that had been revived was held binding in Missouri in the face of its law limiting the life of a judgment to ten years. Justices Black and Rutledge dissented without an opinion. Justice Frankfurter, in a separate dissent, urged remanding to the Missouri court for clarification of the issues. In *Rice v. Rice*[94] the Court proceeded to compound its confusion in the application of full faith and credit to divorces by holding that Connecticut was not bound to recognize a Nevada divorce in a proceeding to determine the widowhood status brought by a first wife on the ground that no personal service was made upon her and she did not participate in the Nevada proceedings. Justices Black, Douglas and Rutledge dissented without opinions. In a caustic dissent Justice Jackson could not see the justice of "compensating confusion in the device of a divisible divorce" as in *Estin v. Estin*."[95]

C. CONCLUSIONS

The 1948 term is hardly likely to be commemorated as one of the more significant terms either as regards the importance of the cases decided or their enduring interest. No great issues of national power were brought to the Court for decision with the consequence that most of the constitutional cases revolve about judicial power, the Bill of Rights, and state interference with interstate commerce. In the more significant of these cases the Court upheld the validity of state laws prohibiting the closed shop and sustained state actions to prevent work stoppages. It withdrew from labor still more of the protection previously extended to it under a broad conception of free speech, but in other areas the Court continued its trend toward absolutism in matters pertaining to free speech. In conflicts between federal power under the commerce clause and the police power of the states the Court extended judicial nationalism in one instance, but advanced particularism in another.

As usual, there were numerous disagreements which produced a plethora of concurring and dissenting opinions so as to create a trend toward the earliest practice of seriatim opinions. In nine of the constitutional cases a majority was unable to agree on one opinion of the Court,[96] nineteen were decided over four dissents,[97] fifteen over three dissents,[98] three over two dissents,[99] and six over one dissent.[100] In twelve cases the decision was unanimous.[101] Another feature of the 1948 term was the relatively small number of reversals of earlier cases. These occurred for the most part in the field of constitutional tax exemption which remains fluid.[102] The relatively small number of reversals may indicate that above the clash of individual judges for the triumph of relatively unimportant principles constitutional law is attaining at least a state of superficial repose.

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[92] 337 U.S. 286 (1949). [93] 337 U.S. 38 (1949). [94] 336 U.S. 674 (1949).

[95] 334 U.S. 54 (1948). Justice Jackson had also dissented in this case.

[96] *National Mutual Insurance Co. v. Tidewater Transfer Co.*, 337 U.S. 582 (1949); *McDonald v. United States*, 335 U. S. 451 (1948); *Lustig v. United States*, 338 U. S. 74 (1949); *Kovacs v. Cooper*, 336 U.S. 77 (1949); *Watts v. Indiana* 338 U.S. 49 (1949); *Turner v. Pennsylvania*, 338 U.S. 62 (1949); *Harris v. South Carolina*, 338 U.S. 68 (1949); *Interstate Pipeline Co. v. Stone*, 337 U.S. 662 (1949); and *Kimball Laundry Co. v. United States*, 338 U.S. 1 (1949).

[97] *Vermilya Brown Co. v. Connell*, 335 U.S. 377 (1948); *National Mutual Insurance Co. v. Tidewater Transfer Co.*, 337 U.S. 582 (1949); *Eisler v. United States*, 338 U.S. 189 (1949); *Christoffel v. United States*, 338 U.S. 84 (1949); *Frazier v. United States*, 335 U.S. 497 (1948); *Lustig v. United States*, 338 U.S. 74 (1949); *Upshaw v. United States*, 335 U.S. 410 (1948); *United States v. Cors*, 337 U.S. 325 (1949); *Kimball Laundry Co. v. United States*, 338 U.S. 1 (1949); *Terminiello v. Chicago*, 337 U.S. 1 (1949); *Kovacs v. Cooper*, 336 U.S. 77 (1949); *International Union v. WERB*, 336 U.S. 245 (1949); *Turner v. Pennsylvania*, 338 U.S. 62 (1949); *Harris v. South Carolina*, 338 U.S. 68 (1949); *Fisher v. Pace*, 336 U.S. 155 (1949); *California v. Zook*, 336 U.S. 725 (1949); *Interstate Pipeline Co. v. Stone*, 337 U.S. 662 (1949); *Rice v. Rice*, 336 U.S. 674 (1949); and *Hood & Sons v. Dumond*, 336 U.S. 525 (1949).

[98] *United States v. ICC*, 337 U.S. 426 (1949); *Larson v. Domestic & Foreign Commerce Corp.*, 337 U.S. 682 (1949); *NLRB v. Stowe Spinning Co.*, 336 U.S. 226 (1949); *McDonald v. United States*, 335 U.S. 451 (1948); *Brinegar v. United States*, 338 U.S. 160 (1949); *Wade v. Hunter*, 336 U.S. 384 (1949); *Watts v. Indiana*, 338 U.S. 49 (1949); *Wolf v. Colorado*, 338 U.S. 25 (1949); *Uveges v. Pennsylvania*, 335 U.S. 437 (1948); *Goesaert v. Cleary*, 335 U.S. 464 (1948); *McDougall v. Green*, 335 U.S. 281 (1948); *Joy Oil Co. v. Tax Commissioner*, 337 U.S. 286 (1949); *Union National Bank v. Lamb*, 337 U.S. 38 (1949); *Woods v. Interstate Realty Co.*, 337 U.S. 535 (1949); and *Cohen v. Beneficial Industrial Loan Corp.*, 337 U.S. 541 (1949).

[99] *Williams v. New York*, 337 U.S. 241 (1949); *Wheeling Steel Corp. v. Glander*, 337 U.S. 562 (1949); and *Algoma Plywood Co. v. WERB*, 336 U.S. 301 (1949).

[100] *Farmers Reservoir & Irrigation Co. v. McComb*, 337 U.S. 755 (1949); *Koki Hirota v. MacArthur*, 338 U.S. 197 (1948); *A.F. of L. v. American Sash & Door Co.*, 335 U.S. 538 (1949); *Empresa Siderurgica v. Merced County*, 337 U.S. 154 (1949); *Ott v. Mississippi Valley Barge Line Co.*, 336 U.S. 169 (1949); and *Ragan v. Merchants T. & W. Co.*, 337 U.S. 530 (1949).

[101] *Federal Communications Commission v. WJR*, 337 U.S. 265 (1949); *United States v. Jones*, 336 U.S. 641 (1949); *United States v. Wallace & Tiernan Co.*, 336 U.S. 793 (1949); *Lincoln Federal Union v. Northwestern I. & M. Co.*, 335 U.S. 525 (1949); *Giboney v. Empire Storage & Ice Co.*, 336 U.S. 490 (1949); *Gibbs v. Burke*, 337 U.S. 773 (1949); *Young v. Ragan*, 337 U.S. 235 (1949); *Daniel v. Family Security L. I. Co.*, 336 U.S. 220 (1949); *Railway Express Agency v. New York*, 336 U.S. 106 (1949); *Oklahoma Tax Commission v. Texas Co.*, 336 U.S. 342 (1949); *LaCrosse Telephone Corp. v. WERB*, 336 U.S. 18 (1949); and *Smith v. United States*, 337 U.S. 137 (1949) .

[102] See the cases cited in note 75. See also *Larson v. Domestic & Foreign Commerce Corp.*, 337 U.S. 682 (1949) which in effect overruled *Goltra v. Weeks*, 271 U.S. 53 (1926). These last cases involved the immunity of the Government from suit.

CHINESE COMMUNIST URBAN POLICY*

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From the Countryside to the Cities. Among the many practical problems with which the Chinese Communists have been recently confronted is that of governing large cities and administering policy in urban and metropolitan areas. Only two years ago the major preoccupation of the Chinese Communist Party was with agrarian policy, with emphases on land redistribution, Party reorganization to strengthen the revolution in rural areas, and the construction and maintenance of "rear bases" to support the fighting front.[1] But in the epochal year beginning with the fall of Mukden on November 2, 1948, the directions and emphases of Chinese Communist policy were substantially modified by the new situation created by the rapid capture of all of the seaports, the most important industrial and commercial centers, and nearly all of the provincial capitals of China. To permit the most effective exploitation of this newly-gained strategic momentum, the Party leadership was obliged, on relatively short notice, to find *immediate* solutions for problems of urban policy that had previously been anticipated as likely to arise in the future.

Urban policy, accordingly, became the urgent question on the agenda of the Second Plenary Session of the Central Committee of the Chinese Communist Party, meeting in Shihchiachuang on March 15–23, 1949. After reciting that the earlier tactical line of concentrating on the countryside and of working from the countryside to the cities had been proved correct by practical experience, the resolution adopted by the Plenary Session announced a new political line:

> *The period has now begun of working from the cities to the countryside and the leadership of the countryside from the cities.* Without doubt, attention must be paid both to the cities and the countryside. Without doubt, it will be necessary to closely link up the relations between the cities and the countryside, between workers and peasants, and between industry and agriculture. The countryside must certainly not be cast aside and attention not merely paid to the cities. *But the center of gravity of Party work must be placed on the cities.*[2]

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[1] This preoccupation is typified by the directive of the Central Committee of the Chinese Communist Party, February 22, 1948, on agrarian reform work and the reorganization and purification of the Party ranks in old and semi-old areas, broadcast by the official Communist New China News Agency, North Shensi Radio, February 28, 1948, and included in *I-chiu-ssu-ch'i nien i-lai chung-kuo kung-ch'an-tang chung-yao wen-hsien chi* [*Important Documents of the Chinese Communist Party since 1947*] (Hongkong, 1949), pp. 62–69 (hereafter cited as *Important Documents . . .*). See also notes 7 and 16, below.

[2] North Shensi Radio, March 23, 1949. My italics. For further development of this theme, see Yang K'uei-chang, *Ch'eng-hsiang kuan-hsi wen-t'i* [*Problems of Relations between Town and Country*] (Hongkong, 1949), *passim*, and the authoritative speech of Li Fu-chun, later vice-chairman of the Northeast People's Government, on July 1, 1949: "Shifting the Emphasis of Our Activities from the Country to the City," in *Chieh Fang Jih Pao* [*Liberation Daily News*] (Shanghai), July 19, 1949.

Consequently, Party workers were directed "to learn how to lead the urban people to struggle successfully and learn how to administer and build up cities." The rehabilitation of industrial production was defined as the "key point" of the new line, and the urban program of the Party—in its own organizational work, in trade union work, in cultural and educational work, as in other respects—was to be pointed to that major objective. Establishment of a new "center of gravity" also affected the deployment of Chinese Communist military forces when, beginning with the Spring Campaign of 1949, large cities became primary targets and were brought under direct assault. Jen Pi-shih publicly forecast this military reorientation with the declaration, on April 12, 1949, that during the forthcoming advance of the "People's Liberation Army" south of the Yangtze River, "the cities will be reached first and the [revolutionary] work extended from the cities to the countryside."[3] In keeping with the teachings of Marxism-Leninism, the Party thus recognized and pin-pointed the transition from one "phase" of the revolution to another. The new urban policy is only one identifiable aspect of a basic decision which has numerous political, administrative, social, economic and cultural ramifications in the practice of Communist China.

The Chinese Communist Pattern of Urban Government. The emergent attitude of the Chinese Communists toward the institutions of urban government reflects ideological and military considerations, and further modifications will doubtless accompany future changes in the situation as a whole. Nevertheless, during the present transitional period of the "new democracy,"[4] in which the Chinese Communists propose to maintain a broad coalition embracing a variety of amenable non-proletarian elements, they continue to make subtle dialectical distinctions between the "dictatorship of the proletariat"—for which the time is not yet ripe—and the "people's democratic dictatorship," which is considered as a government by revolutionary elements "under the leadership of the Chinese Communist Party."[5] During this period, the "Soviet principle" is not regarded as suitable for adoption at any level of governmental organization from the locality to the nation.[6] This tactical moderation, prescribed by the orthodox view of the current balance of revolutionary forces in China, is further reinforced by recollection of the experiences of 1931–1934 when the Soviet principle was given full expression by the Chinese Soviet Republic. Mao Tse-tung thus inveighs against a repetition of the extreme leftist practices of that period, warning that potentially friendly elements must not be driven from the fold if moderate treatment might convert them to the revolution.[7] As a result, the approach of the Chinese Communists to the problem of urban reform is tentative and experimental, and the objectives tend to be limited and specific. Nevertheless, by inculcating a new political spirit and by modifying the most objectionable institutions of local government under the Kuomintang, the Chinese Communists have demonstrably revamped many of the urban institutions to which they fell heir.

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[3] Speech to the First National Youth League Congress, Peip'ing, broadcast by Peip'ing Radio, April 13, 1949. Jen Pi-shih, a member of the Central Committee and Politburo of the Chinese Communist Party, is also the Chief Political Commissar of the "People's Liberation Army"; his views have the force of a directive in Communist China.

[4] The concept of "new democracy," which has a specific dialectical meaning in Chinese Communist practice, is authoritatively developed in the major works of Mao Tse-tung, especially in: *Chung-kuo ko-ming yü chung-kuo kung-ch'an-tang* [*The Chinese Revolution and the Chinese Communist Party*], November 15, 1949; *Hsin min-chu chu-i* [*On New Democracy*], January 19, 1940; *Lun lien-ho cheng-fu* [*On Coalition Government*], April 24, 1945; and most recently in *Lun jen-min min-chu chuan-cheng* [*On the People's Democratic Dictatorship*], June 30, 1949. In the current orthodoxy of Marxist-Leninists, the "new democracy" is an advanced phase of the revolutionary process in which the "bourgeois-democratic" revolution is displaced by a "people's democracy" of the revolutionary elements led by the Chinese Communist Party; the "new democracy," in its turn, is to prepare for the Socialistic or Communist phase when the "feudal" and "imperialist" enemies of the "people's democracy" have been liquidated.

[5] Cf. *On the People's Democratic Dictatorship, op. cit.* The leading role of the Party in the period of the "new democracy," as distinguished from its role in the "dictatorship of

For the political defense of the new regime, all public bodies must be purged of non-revolutionary elements—the "feudalists," the "imperialist lackeys," the "bureaucratic capitalists," the "war criminals," and other "reactionaries." In the course of the purge of local governing agencies, measures are taken to safeguard the non-communist revolutionary elements—such as anti-Kuomintang third parties and the national and petty bourgeoisie—but under the condition that the political initiative and leadership of the Chinese Communist Party be recognized by all who participate in the governmental processes.[8] One-party government is the *de facto* result, whatever the external forms that might obscure it. After some two decades of one-party "tutelage" under the Kuomintang, the Chinese people do not find much novelty in the concept and practice of a supra-constitutional political party. But the political differences between the *de facto* Kuomintang monopoly and the *de facto* Communist monopoly are substantial and real to the city-dweller, as they are to the peasant. The Kuomintang, with its many factions, its undisciplined member-

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the proletariat," is drawn in the Foreword of the Central Committee of the Chinese Communist Party to a 1948 re-issue of Chapter 2 of Lenin's *Left-wing Communism, An Infantile Disorder* (New York, 1934), broadcast by North Shensi Radio, June 11–12, 1948.

[6] "The Soviets have been defined in Soviet law, always openly and frankly, as state organs of the proletarian dictatorship." A. Y. Vyshinsky, *The Law of the Soviet State* (Babb trans., New York, 1948), p. 152. In the Chinese situation, where it is desired to work in collaboration with certain non-proletarian classes and elements during the phase of the "new democracy," Mao Tse-tung has specifically ruled out the exclusive investment of power "in the hands of workers, peasants and intellectuals." See *On Coalition Government, op. cit.*, part 4 (A).

[7] Mao Tse-tung, *Mu-ch'ien hsing-shih ho wo-men ti jen-wu* [*The Present Situation and Our Tasks*], December 25, 1947; see also his address to the Party cadres of the Shansi-Suiyuan Liberated Area, April 1, 1948, broadcast by North Shensi Radio, May 10–12 1948, published under the paraphrased title, *Tsai Chin-Sui kan-pu hui-i shang ti chiang-hua* (Hongkong, 1948). The same spirit of tactical expediency was evident in the New China News Agency editorial warning that "our organization and work in the cities must be adapted to the characteristics of the city." *Chieh Fang Jih Pao* (Shanghai), June 23, 1949.

[8] *On the People's Democratic Dictatorship, op. cit.*

ship, its formalized organization and lack of ideological training, has given way to a united party, highly disciplined in its membership, powerfully organized under the principle of democratic centralism and possessed of a sharply defined doctrine and purpose. The Chinese Communist Party operates, as a practical matter, on a base of urban and village party committees which have mastered the techniques of implementing party policies in individual cases. The entire weight of the party apparatus makes itself felt in urban government.

Party cadres become administrative agents, directly reinforcing the more formal institutions of urban administration where party interests are involved. Municipal party committees have taken the leading role in organizing the local citizenry into women's, youth, student, labor and other social and cultural movements, to disseminate party policies, intensify propaganda, single out the "enemies of the revolution" and otherwise strengthen a mass basis for public administration. Jao Shu-shih, secretary of the Shanghai Municipal Committee of the Chinese Communist Party, typifies his counterparts in other captured Chinese municipalities; his declarations of municipal policy are substantially authoritative and controlling, and are capable of being implemented through the party or the municipal administration.[9] The principle of the separation of powers has no political or legal status in Communist Party practice, and formal institutions of local administration lend themselves with the bureaucracy of the party itself to the enforcement of party policy. The whole base of urban government is broadened, strengthened, and made more meaningful in the daily life of urban Chinese. Hence Communist urban policy is developed and administered in a new and revolutionary context, and a new political atmosphere is brought into existence to color the operation of more formal institutions of municipal government.

From the more specific institutional point of view, the Chinese Communists have introduced at least three significant innovations. (1) For several years they have waged an attack on the *pao-chia* system, a low-level device for administrative and police control based on household organizations in local districts corresponding to wards and precincts.[10] Such a device might well lend itself to the purposes of Communist indoctrination and control, but the historical identification with the repressive practices of the Kuomintang has rendered it completely obnoxious and unpalatable. In 1945, accordingly, Mao Tse-tung formally insisted on the "abolition of the oppressive *pao-chia* system" as a condition for Communist collaboration with the Kuomintang in a national, anti-Japanese united front.[11] In April, 1949, the Director of the Peip'ing Civil Affairs Bureau promised the early abolition of *pao-chia* in that city, and their replacement by a system of "people's assemblies."[12] In his report on the first six months of his administration, General Yeh Chien-ying, then the Communist mayor of the city, confirmed that the *pao-chia* system had in fact been abolished in Peip'ing and its suburbs.[13] In Shanghai, the *pao-chia* system was suppressed as soon as possible after the "take-over," and 38 *pao* and 957 *chia* in the Bubbling Well district of that city were reorganized into 10 administrative "offices" as early as July, 1949.[14] Thus far, the tentative suggestion that "people's assemblies" be established in small neighborhood districts has not been implemented.

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[9] An example is found in his speech of August 3, 1949: "How New China Fights US-KMT Blockade," *China Digest*, Vol. 6, pp. 14–16 (August 24, 1949).

[10] An early criticism of the *pao-chia* system was published anonymously in the Chinese Communist "Northwest" in 1941 under the title *Pao-chia chih-tu yen-chiu* [*Study of the Pao-chia System*] by the Hsi-pei yen-chiu she, probably in Yenan.

[11] *On Coalition Government*, *op. cit.*, part 4 (B).

(2) The Kuomintang system of local judicial administration has also been profoundly modified by the creation of revolutionary "people's courts." These courts are intended to insure that law will no longer be applied to protect "reactionary" class interests by "reactionary" judges, and that the ends of the revolution will not be menaced by the western-influenced legal codes of the Kuomintang regime. The Basic Program on Chinese Agrarian Law of October 10, 1947, had assigned specific responsibilities in land reform to people's courts "organized from personnel elected by the peasant's meetings or the people's congress, or from personnel appointed by the Government."[15] Such courts also enjoy criminal jurisdiction to punish counter-revolutionary elements.[16] Shortly after the capture of Peip'ing, Communist news agencies reported that the Kuomintang judicial system in that city had been abolished and replaced by a local "people's court" in March, 1949;[17] the "people's court" in Shanghai was formally inaugurated in August, 1949; and their general establishment in all municipalities appears indicated. At the relatively higher level of the North China "Liberated Area," the Organic Outline of the North China People's Government adopted by the North China People's Provisional Representative Assembly in Shihchiachuang in August, 1948, established a People's Court, under a President, as the supreme judicial organ of that area, but without implying any independent status for it.[18]

(3) The Chinese Communists also consider that they have introduced a significant innovation by redesignating municipal governments captured from

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[12] New China News Agency, Peip'ing Radio, April 12, 1949 (shortly after Peip'ing Radio replaced North Shensi Radio as the principal Chinese Communist broadcasting outlet).

[13] "Six Months in Peip'ing," *China Digest*, Vol. 6, pp. 14–15 (September 21, 1949).

[14] *Sin Wen Jih Pao* (Shanghai), July 21, 1949.

[15] Articles 6–8. The Basic Program promulgated by the Central Committee of the Chinese Communist Party on October 10, 1947, was broadcast in full English translation by North Shensi Radio, October 13, 1947, *Important Documents . . .*, pp. 10–14.

[16] Jen Pi-shih, speech of January 12, 1948, to the Northwest Liberation Army Front Committee, broadcast by North Shensi Radio April 13–15, 1948; the full text of this major policy declaration appears in *Important Documents . . .*, pp. 33–36.

[17] New China News Agency, Peip'ing Radio, April 16, 1949.

[18] Article 12. A full translation of this Organic Outline is in *China Digest*, Vol. 5, pp. 8–9 (November 30, 1948).

the Kuomintang as "people's governments."[19] This modification does not have the direct institutional impact of the reforms previously described, but in the dialectical and propaganda context is intended to impress on all concerned that a new revolutionary spirit must be injected at all levels of administration.[20] By this means there is achieved a reorientation of municipal government comparable to that already accomplished on a local basis in rural areas where a special hierarchy of village peasant's assemblies, assemblies of "poor peasant's leagues," and peasant congresses had been established to enforce the land reform policy.[21] "People's governments" are by no means synonymous with freely-elected governments. This is shown in the election of peasant's congresses in villages and *hsiangs* where land reform has been accomplished. In such cases, the Central Committee of the Chinese Communist Party directed that two-thirds of the membership should be "elected" from "farm workers, poor peasants and new middle peasants," while one-third of the membership was to be "elected" from "old middle peasants and other working elements."[22] The application of a similar principle to municipal elections has not yet been decreed, but municipal government can hardly escape the effects of a policy of election according to social classes or categories which is implicit in the Communist concept of "people's government." Ultimately, this may simplify an eventual transition to the Soviet principle.

Significant indications that the transition had already begun appeared in the Summer and Fall of 1949, when "all circles" conferences were convened by the municipal party committees in Peip'ing, Tientsin, Shanghai, Nanking and other major cities. These conferences, which comprised hand-picked "delegates" from innumerable social, cultural and functional organizations sponsored by local party committees, were at first hardly more than sounding-boards for official party policies, meeting to hear and applaud the "reports" of the local mayor and party officials, and to adopt pre-arranged resolutions. Their status was clarified by the Common Program of the Chinese People's Political Consultative Conference of September 29, 1949, which specified that "pending the convocation of local people's congresses elected through universal suffrage, the local conferences of representatives of all circles shall gradually assume the functions of the local people's congresses."[22a] Subsequently, on December 2, 1949, the Central People's Government Council adopted general regulations for the organization of such conferences in provinces and *hsien*, as well as in municipalities, and a high priority was assigned to the development of this program in 1950.[22b] A second "all circles" conference in Peip'ing had already met on November 20–22; had constituted itself into a permanent body; and, with the encouragement of the Central Government, had proceeded to function as a provisional local legislature and "elect" General Nieh Jung-chun and Chang Yu-yu as Mayor and Vice-Mayor, respectively, of the Peip'ing Municipal People's Government. These elections were ratified by the Central People's Government Council on December 2, 1949,[22c] and an important precedent was set for the pattern of probable future development.

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[19] "People's" is an adjective with special dialectical meaning when used in this context. The "people" have been more precisely defined as those popular revolutionary elements which accept the leadership of the Chinese Communist Party. See Mao Tse-tung, *On the People's Democratic Dictatorship*, *op. cit.*, where "people's democratic dictatorship" is defined as "democracy among the people and dictatorship over the reactionaries." A "people's democracy" is quite different from the more conventional "bourgeois democracy" of western democratic experience; see *On New Democracy*, *op. cit.*

[20] Similarly, the Northeast (Manchuria) Administrative Committee on April 21, 1949, decreed that all provinces, cities, *hsien* and other administrative levels should have "people's governments." Peip'ing Radio, April 22, 1949. The provinces of China Proper already under Communist control are also in the process of being similarly re-designated.

[21] See the directive cited in note 1, above, and the Central Committee directive of May 25, 1948, on the work of land reform and party reorganization for 1948, broadcast by North Shensi Radio, May 29–30, 1948. *Important Documents . . .*, *op. cit.*, pp. 116–127.

[22] Article 7, Central Committee directive of February 22, 1948.

Military Government in Urban Areas. Until recently, all administrative activity in Communist China has been dominated by military exigencies, and by the policy of organizing an effective "rear" for the political and economic support of the fighting front. Under the supreme direction of the "Chinese People's Revolutionary Military Committee," a Party organ of which Mao Tse-tung is chairman, the Chinese Communists succeeded in waging a Chinese approximation of total war. The ubiquitous "People's Liberation Army" takes a direct part in administration and legislation at all levels.[23] In contrast with the practice of the Kuomintang, however, the Chinese Communist armed forces have shown a greater disposition to share the responsibility of military government with civilian components, and where responsibility could usefully be devolved upon civilian authorities under direct or indirect control, this has been done. The relatively rapid normalization of civilian administration in urban areas under military government fully reflects the general tendency.

[22a] Article 14. The text of the Common Program appears in the works cited in note 45, below.

[22b] *Chieh Fang Jih Pao* (Shanghai), December 6, 1949, gives the texts of the regulations as well as the New China News Agency editorial interpretation.

[22c] *Ibid.*, December 5, 1949. A highly-colored account of the second conference in Peip'ing is given in Tang Lai-chi, "People's Democracy in People's Capital," *China Digest*, Vol. 7, pp. 10–11 (December 14, 1949). In recognition of its restored status as the national capital, the name of the city was changed from "Peip'ing" to "Peking" in September, 1949; but, except in directly quoted material, the older form is used throughout this article.

A second "all circles" conference was held in Shanghai on December 5–11, 1949. While arrangements were made for a permanent organization, this conference failed to attain the stature gained by the corresponding conference in Peip'ing. Enlightening comment on this question was made by the official Communist daily in Shanghai, *Chieh Fang Jih Pao*, December 14, 1949: "It has to be admitted that, in nature, this conference is still not of the type of people's conference as approved by the Central Government for Peking. . . . As a result of the absence of certain objective conditions—the organizational power and the political consciousness of the masses are not yet up to the required standard—this conference can only follow in the footsteps of the first [Shanghai conference, . . . and] not yet assume powers similar to those of the Second People's Conference in Peking. . . . This conference . . . is rather an inevitable extension and development of the first. . . . Given further time for development, this conference shall naturally assume the character of the people's conference convened in Peking." A comparable declaration was made at the opening session of the second Shanghai conference by its Secretary-General, Chou Lin. *Ta Kung Pao* (Shanghai), December 14, 1949.

[23] In Communist China, common practice has been to promulgate politically important directives over the joint signatures of (1) the Party secretary, (2) the military commander, and (3) the chairman of the government who share responsibilities on the same administrative level within the jurisdiction affected.

When the Communist armies captured the initiative in 1947–1948, the guerrilla tactics of small units gave way to positional warfare employing large field armies. As conditions matured, the urban centers that had previously been by-passed or contained by guerrilla-like encirclement became major targets of assault.[24] Hordes of uniformed peasants, recruited from rural society and indoctrinated in the policies of agrarian reform, began to descend upon the cities, creating new problems of tactics and discipline: (1) How could the physical facilities of the cities, their public services and installations, and their industrial factories and commercial establishments, be salvaged, rehabilitated and rendered immediately useful for the further prosecution of the war? (2) How could the peasant soldiery be protected against the "very wicked and corrupt system" of urban life,[25] and be prevented from breaking discipline or losing morale? (3) How, if armed peasants were assigned the capture of cities, could the implicit conflict of interests between the rural peasantry and the urban proletariat be prevented from finding undesirable expression? (4) What could be done to induce the skilled personnel of urban public services and industries to remain on the job while cities were actually under assault, and to avoid social chaos, prevent sabotage, and resist the dispersion that would make it necessary for the Communists to re-build administrative and technical staffs from the ground? (5) How could the captured cities be most efficiently managed to permit the effective exploitation of their concentrated populations, cultural facilities, transport and communications positions, and other advantageous factors?

The solution was to adopt a clear "urban policy" taking account of all relevant factors in which troops assigned to the capture of cities and military personnel assigned to their administration could be carefully indoctrinated.

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[24] As the Communists took the military offensive late in 1947, Mao Tse-tung declared that "the major objective [of military operations] is the annihilation of enemy manpower and not the holding or taking of cities and places" whose fall was only a "result of the annihilation of enemy manpower." Nevertheless, the assault and capture of cities becomes feasible in proportion as the deterioration in the enemy's position reduces his capacity to defend: "Resolutely wrest all enemy strongpoints and cities which are weakly defended. At favorable times, wrest from the enemy all strongpoints and cities which are defended to a medium degree and where circumstances permit. Wait until conditions mature, and then wrest all enemy strongpoints and cities which are powerfully defended." *The Present Situation and Our Tasks, op. cit.*, part 3.

[25] This was the indictment of a New China News Agency editorial, "Reorganize Organs in the Rear to Help Win Victory at the Front," North Shensi Radio, January 31, 1948; also in Cheng-pao ch'u-pan she, *Kuan-yü chih-chih fen-tzu kai-tsao* [*On the Reeducation of the Intelligentsia*] (Hongkong, 1948), pp. 1–3.

Generally, the following specific measures were taken prior to and during the capture of each urban center: (1) Troops were especially briefed on the political, military and ideological necessity for keeping the cities alive, and special disciplinary regulations were formulated and disseminated to inspire troops to observe an exemplary conduct.[26] (2) Special proclamations to the citizenry within besieged cities were extensively broadcast to prescribe the course of conduct incumbent upon them, to offer assurances of personal safety for all but "war criminals" and other objectionable elements, and to promise personal safety and rewards for those who protected installations from destruction or sabotage —all designed to minimize civilian uncertainty, allay unfounded fears, and to ease the transition from the old order to the new.[27] (3) These special proclamations were standardized in the latter phases of the 1949 campaign by a joint proclamation of Mao Tse-tung and Chu Teh, broadcast prior to the capture of cities and widely disseminated by radio, wall-board, newspapers and other media as a statement of basic policy after their occupation.[28] (4) Immediately after Communist forces entered the city, a special "military control commission" was established under military auspices to undertake the municipal administration during a transitional period, to rehabilitate the urban life and to prepare for the re-establishment of civilian government. (5) Finally, at an appropriate time, a "people's" or "democratic" government was proclaimed within each city. It was initially to work hand-in-hand with the military control commission or as its agent in support of military policy, but was eventually to assume complete local authority with the disbandment of the military control commission.

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[26] In preparation for the attack on Changchun, Mukden and other Manchurian cities, a special set of "eight rules" to govern the discipline of troops was formulated by the Northeast People's Liberation Army on May 25, 1948. North Shensi Radio, June 19, 1948. In addition to directing the protection of life and property, factories and shops, schools, warehouses, public installations and other facilities, the rules admonished soldiers to avoid brothels, to guard their language, and to protect the "honor" of the revolutionary army by maintaining the strictest personal discipline.

A comparable set of 17 rules was laid down by the political department of a field army assigned to capture cities in the Yangtze Valley in 1949. Special emphasis was laid on directives designed to avoid or minimize friction between assault troops and local civil and police authorities: arrests of individuals by the soldiery were limited to direct offenses against the occupying authority; otherwise, arrests remained within the jurisdiction of the local police, and troops were warned not to disregard the orders of the municipal police "without a good reason." North Shensi Radio, January 21, 1949. Such self-denial, accepted in the interests of assuring the continued normal operation of civil government even during the assault phase, is probably without parallel in modern practice; certainly, for the urban citizenry of China, this sharply distinguished Communist practice from the practice of the Kuomintang military.

[27] Typical of these were the proclamations broadcast to the people of Kaifeng on June 19, 1948, three days before the fall of the city; to the people of Tsinan on September 21, 1948, four days prior to that city's capture; and the "model" 8-point proclamation of Generals Lin Piao and Lo Jung-huan to the people of Peip'ing and Tientsin on December 22, 1948, several weeks before the occupation of those cities was completed.

[28] This was broadcast by Peip'ing Radio, April 25, 1949, as an incident to the capture of Nanking, but was formulated in sweeping general terms and made applicable to all cities and localities.

Military Control Commissions. A general policy directive of the Central Committee of the Chinese Communist Party of May 25, 1948, warned Party Branch- and Sub-bureaus not to "overlook or slacken their leadership" in the field of municipal policy.[29] Subsequently, on June 10, 1948, the Northeastern Branch Bureau of the Central Committee promulgated a directive on the establishment of military government in captured cities of Manchuria, a directive which was also generally observed in North China, East China and Central China as conditions matured.[30] The Northeastern directive pointed to the differences between the new situation and the old: "During the period of guerrilla warfare . . . occupied cities were not only comparatively few but also often could not be held." A primary objective of the temporary occupation of cities in the earlier situation had been to obtain "certain necessary materials" needed in the conduct of the war, whereupon the occupying troops—which had in effect conducted a raid—were withdrawn. In the new situation, however, a "fundamental change" of attitude was required: "Not only have a large number of cities been occupied, but also they are firmly in the hands of the people. The war has already become a large-scale, massed operation of large army groups. Reliance must now be placed on cities as well as the countryside." Should unforeseen contingencies require the abandonment of such cities, "they should be left undamaged, for they will sooner or later belong to the people." Party cadres were to concern themselves with a conscious and careful study of this problem "to enable cities to produce more military necessities and daily necessities to support the war and make the economy of the liberated areas prosperous. At present, final victory cannot be won without railway transportation and the support of the cities."

In pursuance of this policy, "a short term military administration is to be carried out in the newly occupied cities." For this purpose, the highest local military commander was made responsible for setting up a "military control commission" which would include responsible officials of the local party organization and municipal government.[31] In practice, the membership of these military control commissions has varied in number from seven to ten. The duration of their functions was determined by the "next higher" military commander. Once the local situation is stabilized, elements of the occupying forces are to be assigned duties as local garrison forces and eventually the authority of the military control commission is to devolve upon the "democratic government" of the municipality.

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[29] See note 21, above.

[30] North Shensi Radio, June 22, 1948. Related materials are included in Mao Tse-tung, *et al.*, *Hsin min-chu chu-i kung-shang cheng-t'se* [*The Industrial and Commercial Policy of the New Democracy*] (Hongkong, 1949), pp. 19–34; and in Fang Ch'ao-sheng, *Hsin chung-kuo ti kung-shang cheng-ts'e* [*Industrial and Commercial Policy of the New China*] (Hongkong, 1949).

[31] The Peip'ing Military Control Commission was set up in the outskirts of the city on January 1, 1949, one month before Communist troops entered Peip'ing. General Yeh Chien-ying, a member of the Party Central Committee, became Director of the "Peip'ing Area Military Control Commission," responsible to the Peip'ing-Tientsin Front Headquarters commanded by General Lin Piao (North Shensi Radio, January 11, 1949). Simultaneously, a "People's Democratic Government" of Peip'ing was proclaimed, with General Yeh serving concurrently as its Mayor (North Shensi Radio, January 18, 1949). The Peip'ing M.C.C. functioned within the city on February 1, 1949; and on February 4, the new municipal government began to take over some functions of the local administra-

In the Northeastern directive, a sharp line was drawn between the functions of troops during the assault phase and their functions in support of the military control commission and the municipal government. Generally, assault forces concern themselves solely with military operations required for the capture of the objective; and, to effect the maximum of normality, all surplus troops whose presence in the city is not absolutely necessary to the work of the military control commission are to be withdrawn at the earliest possible moment. This procedure maintained the high discipline and morale of troops, avoided the risks of damage to urban properties and installations by undisciplined troops, and set a different pattern of conduct from that of Kuomintang troops who characteristically "lived upon the city" and drained its productive resources. Furthermore, while occupying forces were directed to protect urban institutions and economic enterprises they were prohibited from attempting their management and operation, functions which were reserved exclusively for the military control commission or municipal government of the city. In some areas, inhibitions were imposed upon occupying forces for the specific purpose of insuring the integrity of the local civilian police organization.[32]

The Changchun Experience. The actual operation of this policy is well illustrated by the experience of Changchun (Manchuria), which fell to the Communist armies of General Lin Piao on October 19, 1948. A military control commission (M.C.C.) of nine members immediately took charge of the city. These nine included a director, two deputy-directors, and commission members individually responsible for the administration of M.C.C. instrumentalities, which included the Garrison Headquarters, the Political Department, the Municipal Affairs Office, the Bureau of Public Safety, a "unified" Take-over and Custodian Committee, and the Secretariat. On October 21, 1948, the Northeast Administrative Commission—the highest executive authority in Manchuria at that time—appointed the officials of the Changchun Special Democratic Municipality, who took office on the same day. The municipal officials included the mayor (who was concurrently one of the deputy-directors of the M.C.C.), a municipal secretary-general, a director of the municipal

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tion (North Shensi Radio, February 7, 1949). A similar sequence of events occurred in Tientsin, Nanking, Taiyuan and Shanghai. The complete coordination between the M.C.C. and the municipal government tended to soften the rigors of military occupation, while enabling the military to make effective use of civilian personnel for the enforcement of its urban policy.

The Peip'ing M.C.C. is not to be confused with the "Joint Executive Office" formed on February 1, 1949, under the terms of the capitulation accepted by Nationalist General Fu Tso-yi on January 24, 1949.

[32] See note 26, above.

and secretariat, chiefs for each of the principal municipal bureaus: Finance, Taxes, Industry and Commerce, Education, and Public Safety.[33] The smooth transition from the military assault phase to the phase of normal municipal administration was achieved in Changchun, as in many other cities, by three characteristic devices: (1) the overlapping of membership in the M.C.C. and the municipal government; (2) the presence in responsible positions in both the M.C.C. and municipal government of Party and administrative personnel; and (3) the coordination of the policies of each agency by a single higher authority.

Changchun set an example followed in many subsequent instances, although local modifications in the general pattern were made in accordance with special local requirements. In Shanghai, the M.C.C. included a "Navigation Department" as well as a "Foreign Nationals Affairs Bureau."[34] Where appropriate, the M.C.C. was established on a broader metropolitan base. In Peip'ing, its jurisdiction extended to the surrounding suburban area,[35] and the single M.C.C. set up in "Wuhan" covered the three municipalities of Hankow, Wuchang and Hanyang. In Nanking and Shanghai, the commanders of the Second and Third Field Armies, who were also high-ranking personalities in the Communist political hierarchy—General Liu Po-cheng in the case of Nanking, and General Chen Yi in the case of Shanghai—served concurrently as directors of the respective commissions and as first mayors of the newly-proclaimed democratic municipalities.[36]

Within the typical M.C.C., the Political Department became the key instrument, its director usually being the political commissar of the occupying forces or a person under his direct control. This department was responsible for the local political purge, drawing up lists of persons to be removed from office, taken prisoner, or otherwise penalized; it directed the "take-over" process in the economic enterprises of the locality, usually employing special teams of "military representatives" which took custody of materials, equipment and records and designated the new manager of the enterprise (or controlled the old manager if he was retained); and it assumed direction of the municipal functions considered to have transcendent military importance at the time. For its purposes, at least in the initial phases, the Political Department of the M.C.C. regarded the entire administrative apparatus of the municipality as at its disposal to enforce the policies of the military commander. The strong hand of authority was ever-present; if there were instances of conflicts of jurisdiction between the M.C.C. and the municipal administration, none was reported.

The basic legislation appeared to contemplate the abolition of the M.C.C.

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[33] Details were given in the North Shensi Radio broadcast of October 22, 1948.

[34] On the operation of the Shanghai M.C.C., see H. M. Lai, "First Twelve Days in Liberated Shanghai," *China Digest*, Vol. 6, pp. 15–17 (June 14, 1949), and the report of General Chen Yi, "Two Months' Work in Shanghai," *China Digest*, Vol. 6, pp. 8–9 (September 21, 1949). In Chengchow, the M.C.C. included a "Propaganda Department" (North Shensi Radio, October 28, 1948). In Nanking, a "Finance and Economic Take-over Committee" was set up (Nanking Radio, May 9, 1949).

[35] North Shensi Radio, January 11, 1949.

[36] Peip'ing Radio, April 28 and May 11, 1949.

when the regular municipal administration took over the operation of routine affairs under order from the "next higher" commander. Actually, the "democratic government" of the municipality functions alongside the M.C.C., and no reported instance has yet been encountered of the total disbandment of a military control commission. As military front lines advanced beyond the captured city, the M.C.C. tended to yield up to the municipal government an increasing responsibility for purely routine matters, but continued to steward the process and to lay down the basic local directives. It was apparently utilized by the Communist high command as a spokesman for its serious decisions; the directives under which the United States Information Service branches in Peip'ing and Shanghai were closed in July, 1949, were issued by the local commissions.

Public Personnel. The Chinese Communists have consciously sought to induce the administrative personnel of the Kuomintang to remain at their posts during and after the capture of cities and to transfer their loyalties to the new regime.[37] In principle, the only administrative personnel excluded from continuing employment have been the "war criminals," "bureaucratic capitalists," and others whose "reactionary" associations rendered their future loyalty doubtful.[38] In the case of Tsinan, which fell to the Communists in September, 1948, it was asserted that 76 per cent of the old postal personnel remained in the service of the new government, as well as 80 per cent of the technical personnel of the electrical and water services.[39] Shortly after the fall of Shanghai in May, 1949, General Chen Yi reported that "over 95 per cent of the former Kuomintang government employees remained at their posts."[40] This percentage increase reflected the growing loss of Kuomintang morale and the increasing difficulty of finding a secure place of refuge from the rising Communist tide—factors which also simplified, for the Communists, the problem of recruiting and training new municipal personnel.

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[37] Even where the hated *pao-chia* were abolished, orders were issued to exempt *pao-chia* workers "from censure of their previous actions" so that public organs could continue to function. See the notice promulgated by the Huanglung Sub-area Executive Commission of the Northwest Liberated Area, North Shensi Radio, March 30, 1948.

[38] Several articles in the joint proclamation of Mao Tse-tung and General Chu Teh of April 25, 1949 (note 28, above) specifically concerned this question. Article 1 promised punishment for "counter-revolutionary elements or other disruptive elements who take advantage of the situation to create disturbances, or to loot and destroy," but Article 2 expressed the hope that "workers and employees of all trades will continue production and that all business would operate as usual." While the enterprises of "bureaucratic capital" were to be confiscated, "all personnel working in the enterprises of bureaucratic capital . . . must remain at their posts as usual," and those persons "willing to continue to serve after the People's Government has taken over will be employed in accordance with their capabilities so that they will not become displaced" (Article 3). Hope was expressed that personnel of all public welfare enterprises would "remain at their posts as usual" (Article 4). Apart from the "incorrigible war criminals and counterrevolutionary elements with heinous crimes," personal immunity was offered to "high and low ranking officials under the Kuomintang central, provincial, municipal [and] county governments of different levels," who were "enjoined to stay at their posts;" capable personnel were promised continuing employment "provided they do not engage in counterrevolutionary activities and their personal record is not seriously besmeared" (Article 5). A similar offer was contained in Article 8 (clause 20) of the proposed draft agreement for domestic peace submitted by Chinese Communist Party plenipotentiaries to Kuomintang representatives on April 15, 1949.

[39] North Shensi Radio, January 13, 1949, based on Tsinan dispatches.

[40] General Chen Yi, *loc. cit.*

The problem of the treatment of Kuomintang public personnel is closely related to the larger problem of the treatment of intellectuals, technicians, and other types of petty bourgeoisie. There has been a tendency to treat technicians and intellectuals of all types according to a uniform policy, whether they be public or private employees, school teachers and academic personnel, skilled employees and management personnel in public and private industrial and commercial establishments, or other "long gowns." On January 15, 1948, the Northeastern Branch Bureau of the Chinese Communist Party promulgated a series of "decisions" concerning intellectuals, which explicitly included intellectuals in government service.[41] The defined purpose of these decisions was to "win over, educate and give work" to intellectuals, even those of landlord or rich peasant origin, and to examine them "continuously in their work." Only those intellectual elements which carried out "destructive activities," resisted the agrarian policy, or served as Kuomintang agents were excluded from the benefits of the policy. Teachers in primary and middle-schools were to be "won over" so long as they refrained from anti-revolutionary activities and remained loyal to the agricultural, industrial and land policies of the Communist regime. Government organs above the *hsien* (county) level were instructed to absorb all intellectuals, including engineers, technicians and physicians among others. But at the same time that intellectuals of nonrevolutionary class origin were to be retained in the public service, attention was also to be given to the related problem of "cultivating new and people's [i.e., revolutionary] intellectuals."[42]

Policy in this respect has been consistent with the basic tactical attitudes developed by Mao Tse-tung over more than a decade.[43] Intellectuals have been considered as among the actual or prospective "friends of the revolution," although as a group they may exhibit "subjective" and "individualistic" tendencies requiring special training and indoctrination. From the point of view of the intellectuals, many of whom had been pauperized and rendered receptive to revolutionary ideas by the policy of the Kuomintang, the relatively moderate policy of the Chinese Communists has definitely assisted to solve their problems of livelihood. By and large, they could have no professional future apart from reaching a settlement with local Communist authorities. The great majority of them have apparently "gone over." The question of their future loyalty to the new regime may arise as Chinese Communism moves further in the totalitarian direction, but for the present their cooperative attitude is an important factor in the effectiveness of Communist municipal administration.

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[41] New China News Agency, North Shensi Radio, February 2, 1948.

[42] A similar directive of the Central China Bureau of the Chinese Communist Party, September 29, 1948, developed the same theme, describing the "winning over, consolidation, re-education and cultivation of the intellectual elements" as one of the "current important tasks of all liberated areas." *On the Re-education of the Intelligentsia, op. cit.*, pp. 4–7.

[43] A particularly cogent argument was developed in his *The Chinese Revolution and the Chinese Communist Party, op. cit.*

New Relationships of Central and Local Government. During their long political struggle with the Nationalist Government, the Chinese Communists regularly demanded respect for the principle of local autonomy. Largely on their insistence, the first inter-party Political Consultative Conference of January, 1946, agreed that "local autonomy should be intensively promoted" and that "the principle of the equalization of authority shall apply in the demarcation of authority between the central and local government."[44] With the Communist victory in 1949, however, this position was reversed. Instead, the "Organic Law of the Central People's Government" adopted by the "new" Chinese People's Political Consultative Conference on September 27, 1949, incorporated a number of provisions designed to intensify central control over local and municipal administration. The government of the People's Republic of China was declared to be "based on the principle of democratic centralism"—thus formally adopting as a rule of public law a principle developed in the practice of the Chinese Communist Party.[45] The Central People's Government Council was given authority to control the appointment and dismissal of "the chairman, vice-chairman and main administrative personnel of various administrative areas and various provincial [and] municipal people's governments."[46] The State Administration Council, an enlarged council of ministers responsible to the Central People's Government Council, exercises three specific powers affecting the control of urban government: (1) it may annul the decisions and orders of "all levels of government" which do not conform to the policy of the national authorities; (2) it may "direct the work of local people's governments throughout the country"; and (3) it may appoint or dismiss "the main administrative personnel of the county and municipal level and above," as well as personnel specifically controlled by the Central People's Government Council.[47] Moreover, a general authority to supervise and control the execution of their duties and to compel the observance of national laws by "government institutions and government functionaries" is assigned, without territorial qualification, to the Committee on People's Supervision (a component of the State Administration Council) and the People's Procurator-General's office.[48] So comprehensive is the controlling jurisdiction of the central authorities that there is no place for urban autonomy or municipal home rule.

Other Aspects of Urban Policy. In a restricted and perhaps technical sense, urban policy may be understood as policy relating to such purely governmental questions as the reform of institutions of municipal government, the techniques of urban military government, and the treatment of administrative personnel. In the broader sense in which the concept of urban policy develops in Chinese Communist practice, the technical practices of governmental and administrative agencies cannot be separated from the reorientation of social and economic relationships that accompany the revolution. Thus the cities may be considered to have both active and passive roles in the revolutionary process. In the active sense, their presence in the revolutionary camp affects the tactics and methods available to the revolution in the final consolidation of power throughout the country, and localized policies and reforms of a specific character may be viewed as necessary if the cities are to contribute most effectively to the success of the revolution. In the passive sense, the cities are acted upon by the revolution, which has a content and ethic of its own, and which demands a reorientation of the pattern of social life within the cities according to the substantive teachings of revolutionary doctrine. Hence the very life of the cities becomes a target for revolutionary activity.

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[44] Resolution III, "The Administrative Program for the Peaceful Reconstruction of the Country," in *Political Consultative Conference* (International Publishers, Shanghai, 1946), Vol. 2, p. 23.

[45] Organic Law, Article 2. Text in *Chung-hua jen-min kung-ke-kuo k'ai-kuo wen-hsien* [*Documents on the Establishment of the People's Republic of China*] (Hongkong, 1949), pp. 18–22; *Jen-min min-chu chuan-cheng ti li-lun yü shih-chien* [*Theory and Practice of the People's Democratic Dictatorship*] (Hongkong, 1949), pp. 109–113; English translation in *China Digest*, Vol. 7, pp. 7–10 (October 19, 1949). An informative gloss on the principle of democratic centralism is given by Chang Chih-jang, Vice-Chief Justice of the new Supreme People's Court, in *China Digest*, Vol. 7, pp. 4–6 (November 2, 1949).

[46] Organic Law, Article 7, (9), b.

[47] *Ibid.*, Article 15, (2), (5), and (6).

[48] *Ibid.*, Articles 18 and 28.

Although there can not yet be a definitive analysis of the pattern of urban social reconstruction in Communist China, sufficient evidence has already accumulated to point to plausible or possible directions of development. (1) One observes a persistent reflection in the literature of Chinese Communism of a peasant-inspired and Puritanical distrust of the cities. Chinese urban life is seen to have been "infected" by the "vicious and lavish" influence of imperialism; hence, "unless firm steps are taken, both in ideas and organization, to overcome the lavishness and discrepancy of living, particularly in cities, all the advantages of the cities will be cancelled."[49] The hue and cry of "imperialism" has obvious propaganda value, but the genuine feeling persists that the major Chinese cities, long subverted by the regime of concessions, treaty ports and extraterritoriality, must be truly Sinified. The attack, however, runs more deeply. Shortly after Shanghai had been taken, the local Party secretary —who is also Secretary of the East China Bureau of the Central Committee and a member of the new Central People's Government Council, and thus a credible spokesman for Party policy—launched an "austerity drive" to encourage "plain living" and a "retrenchment" in the cities.[50] Should the antiforeignism and peasant-inspired moral austerity of the new regime be imposed successfully upon the cities, life in Shanghai, Tientsin, Hankow and Canton would be profoundly modified. Whether this change would invite open conflict between urban and rural elements within the Party is not so clear.

(2) The long-range economic policy announced by Mao Tse-tung[51] will certainly affect the conditions of subsistence and the economic relationships of the industrial proletariat of the cities. The extensive urban properties and in-

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[49] New China News Agency editorial, January 6, 1948, in *China Digest*, Vol. 3, p. 12 (February 24, 1948). Cf. note 25, above.

[50] Jao Shu-shih, "How New China Fights US-KMT Blockade," *loc. cit.*

[51] Succinctly summarized in *The Present Situation and Our Tasks*, *op. cit.*, and *On the People's Democratic Dictatorship*, *op. cit.*

terests of the "bureaucratic capitalists" have already been confiscated to provide the New Democracy with a state-owned sector of the national economy. For workers employed in these enterprises, appreciably more than the substitution of the state for the "bureaucratic capitalist" as paymaster is involved; in the new employer-employee relationship, labor must recognize a new industrial discipline and the role of the labor union in the life of the industrial worker is in the process of being re-defined. Even those who work for the "national capitalists" in the sector of private operation, tolerated under the principle of the "control of capitalism,"[52] can hardly escape the impact of the state-planned economy.[53] City-dwellers are also much more likely to be affected than peasants by the policy of relating taxes to income and profits, by the substitution of an affirmative concept of government for a negative one, by the growth of the bureaucracy needed to administer industrial and commercial policy within the cities, and by other necessary incidents of general Chinese Communist policy.

(3) City life cannot escape the effects of a "return-to-the-country" attitude and policy of the government. In a speech in Shanghai on August 3, 1949, Party Secretary Jao Shu-shih indicated two developments of particular interest: (a) for a number of reasons, "some schools and factories should be encouraged to move inland where food, fuel and raw materials are more abundant," and (b) considering that city industries must now produce for home markets, with a necessary reorientation of industrial activity, "temporary economic 'retrogression' and 'recession' will be unavoidable."[54] Such a deliberate policy of industrial contraction would, if generalized for other cities than Shanghai, entail a mass migration of the city populations, recast the social structure for those who remain, and lead objectively to other modifications of urban society.

Enough has been suggested to indicate that Chinese Communist policy in the urban field is inseparably linked to the requirements of Marxism-Leninism as these are understood by the present leaders of the movement. What the Chinese Communists do in and with the cities is determined by the exigencies of a new revolutionary perspective, by the conscious desire to establish a new social basis for Chinese life, and by the necessity for a thorough purging of those elements which might invite counter-revolutionary action. The cities are the windows through which the outside world observes and judges the policies and conduct of the Chinese Communists.

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[52] *On New Democracy, op. cit.*

[53] Some aspects of state-planning under the Chinese Communists are developed in a friendly article by C. J. Canning, "The Question of Recognition," *China Weekly Review*, Vol. 114, pp. 33–36 (June, 1949).

[54] Jao Shu-shih, "How New China Fights US-KMT Blockade," *loc. cit.* The leading editorial of the *Chieh Fang Jih Pao* (Shanghai), July 27, 1949, dealt with the necessity for decentralizing the population and removing industrial establishments to the interior in the interests of increasing national production and relating industrial production to new national economic requirements. Early in August, 1949, the East China Bureau of the Central Committee, Chinese Communist Party, issued a detailed directive on the transfer of populations under the guise of "repatriating refugees" from Shanghai. *Ibid.*, August 4, 1949.

THE KREMLIN'S PROFESSIONAL STAFF: THE "APPARATUS" OF THE CENTRAL COMMITTEE, COMMUNIST PARTY OF THE SOVIET UNION

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Soviet leaders have long understood the need for effective administration in the modern state, despite their great interest in questions of theory and matters of policy. Joseph Stalin, in his first report as Secretary General of the Central Committee of the Russian Communist Party, warned in 1923 that "policy loses its sense and is transformed into a waving of hands," unless an efficient system for policy-execution exists.[1] Consequently, Stalin and his lieutenants have constructed an extensive and diversified system for this purpose, using many agencies and reaching into every corner of Soviet society. Although the paucity of essential data makes a comprehensive analysis of the entire system virtually impossible at this time, it is noteworthy that recent Soviet materials have thrown some light on the functions and operations of one important segment of that system.[2] This is an agency attached to the highest level of the Communist Party, the "Apparatus" of the Party's Central Committee.

The Communist Party of the Soviet Union (CPSU) guides and controls all governmental, economic, social and other organizations in the USSR. The Party itself, and the organizations subordinate to it, are in theory directed by the Party's Central Committee, but the latter's powers have in reality been taken over by four of its organs: the Political Bureau (Politburo), which formulates all basic policies for the Soviet State; the Organizational Bureau (Orgburo), which draws up the general plans for executing these policies; the Commission of Party Control, which checks on the fulfillment of these policies by certain agencies and individuals; and the Secretariat (composed of the four to six Secretaries of the Central Committee) which supervises the day-to-day operations of the Party. Assisting these bodies, but directly responsible to the Secretariat, is the Apparatus of the Central Committee.[3]

The Apparatus in the National Party Headquarters[4] has operated under the direct supervision of Stalin's chief assistants for a quarter-century.[5] Today, it has a staff of several hundred Communists, experienced in Party work and judged to be politically trustworthy, and is divided into a number of departments and related units. These sub-divisions are so frequently reshuffled and renamed that it would be difficult for a western observer to trace the past history and specific duties of each department. Instead, the objective of this study will be an analysis of the general responsibilities and operational methods of the entire Apparatus, noting wherever pertinent (and when information exists) the specific units and personnel assigned to perform these functions.

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[1] Joseph Stalin, *Sochineniya* [Collected Works], (Moscow, 1947), Vol. 5, p. 210.

[2] Unfortunately, these sources appear to be drying up. Thus, the two most important were *Partiinaya zhizn'* [Party Life], a magazine which ceased publication in 1948, and *Kul'tura i zhizn'* [Culture and Life], a newspaper which has decreased considerably its coverage of inner Party operations since mid-July, 1948.

[3] *Bol'shaya Sovetskaya Entsiklopediya* [The Great Soviet Encyclopedia] (Moscow, 1934), Vol. 60, p. 551.

[4] Each Party Committee at the Union Republican, provincial and district levels has its own "apparatus" of staff assistants. Except where otherwise stated, references in this paper pertain only to the Apparatus of the All-Union Central Committee, servicing the top-level agencies of the CPSU.

I. THE SELECTION AND CONTROL OF KEY PERSONNEL

In accordance with Stalin's dictum that "Cadres decide everything," the CPSU gives considerable attention to the selection, training and assignment of approved personnel to the key posts in the Soviet State. From 1934 to 1939, for example, an official report revealed that authorized Party organs had selected and promoted to "leading state and Party posts" over a half-million young Bolsheviks and other persons "standing close to the Party."[6] During 1947, in the city of Leningrad alone, these organs placed more than 12,000 individuals in key Party governmental, economic, propaganda, Komsomol (Communist Union of Youth), trade union and other positions.[7] Some Party organs on the provincial level are responsible for personnel in as many as 2,600 types of positions, while others on the lower district or county level are concerned with some 700 job-categories, which would mean that each places thousands of men in these posts.[8]

This type of personnel work is an extensive and involved process. According to Stalin, the responsible Party organizations must study the merits and shortcomings of each potential leader in order to find the career in which his capacities are most likely to develop; they must plan and carefully direct the development and training of every promising worker; they must boldly promote the new cadres as soon as possible; and they must assign each promising individual to the correct posts so that he may make a maximum contribution in executing the current Party line.[9]

Political considerations are uppermost in the minds of the Party officials who direct this work. They have declared it to be their objective to place "in the leading governmental, economic, cooperative and every other kind of post, those persons who understand the meaning and significance of Party directives, who in Comrade Stalin's words 'are able honorably and conscientiously to execute these directives and who consider their execution a matter of their own higher duty to the Party and the Proletariat'."[10] There must be no "apolitical, careless approach" to the matter of selection of cadres,[11] but judgment as to whether "in the first place, by political standards, they deserve responsibility, and in the second place, by working standards, they are suitable for this kind of concrete work."[12]

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[5] Even before Stalin became Secretary General of the Party's Central Committee, he secured control of one department of the Apparatus (Stalin, *Sochineniya*, Vol. 5, p. 427). For reports on the work of the Apparatus by top Party leaders, see Stalin's speech to the XIIth Party Congress (*ibid.*, p. 210); L. Kaganovich's statement to the Orgburo ("On the Apparatus of the Central Committee of the CPSU [B]," *Partiinoe Stroitel'stvo*, No. 2, pp. 9–15 [February, 1930]; and A. Zhdanov's proposals to the XVIIIth Party Congress (*Pravda*, February 1, 1939).

[6] Joseph Stalin, *Problems of Leninism* (Moscow, 1941), p. 652.

[7] *Pravda*, March 1, 1948.

[8] N. Shatalin, "On Work with Cadres," *Partiinoe Stroitel'stvo*, No. 20, p. 15 (October, 1943); N. Shipulin (Chief of a sector in the Cadre Department), "On the work of the Cadre Departments," *Partiinoe Stroitel'stvo*, No. 21, p. 29 (November, 1939).

[9] *Problems of Leninism, op. cit.*, p. 651.

To supervise this work, a department has existed under various names in the National Apparatus since the early days of the Russian Communist Party.[13] In 1939, it was reorganized, renamed the Cadre Department, and placed under the supervision of Georgi M. Malenkov, now generally believed to be one of Stalin's three top lieutenants. Malenkov is a typical graduate of the Apparatus, who worked his way up the Party ladder to his present prominence. Born in 1901, he joined the Party during the Russian Civil War, did political work under Lazar Kaganovich with the Red Army then fighting in the Soviet Middle East, and was sent to Moscow in the early 'twenties for further training. He attended a technical school for several years, then was assigned to the Kremlin staff, apparently in Stalin's personal secretariat, for several years. About the beginning of the 'thirties, he worked in the Moscow Party organization under Kaganovich, and then reappeared as an official in the CPSU Apparatus. After the XVIIIth Party Congress in 1939, in which he was given several new posts including the directorship of the Cadre Department, Malenkov rose steadily to the heights of Soviet power.[14]

Although he has since filled posts at the top levels of Party and government, including several in which he supervised national economic and propaganda programs,[15] Malenkov continued to maintain his control of the Cadre Department through men selected by himself. These have included Nikolai N. Shatalin, who had been an official of the Educational Workers Trade Union and had held several Party posts; Alexei N. Larionov, formerly the first secretary of the Yaroslav provincial Party Committee; and V. D. Nikitins and A. S. Pavlenko, trained in the Party machine.[16]

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[10] *Partiinaya zhizn'*, p. 21 (October, 1947).

[11] "Constantly Improve the Selection and Allocation of Cadres," *Partiinaya zhizn'*, No. 6, p. 2 (March, 1948).

[12] *Ibid.*, p. 1.

[13] Stalin, *Sochineniya*, Vol. 5, p. 210; Kaganovich, *op. cit.*, p. 9.

[14] *Kratkaya Sovetskaya Entsiklopediya* [Short Soviet Encyclopedia] (Moscow, 1943), p. 809; E. Crankshaw, "A Russian 'Realist' Moves Toward the Top," *New York Times Magazine*, June 19, 1949, pp. 6, 18.

[15] Malenkov has been, among other things, political commissar in the Battle of Stalingrad, a member of the all-powerful State Defense Committee during the War, one of the Vice-Chairmen of the Council of People's Commissars, and a supervisor of various branches of Soviet heavy industry.

[16] N. Shatalin, "On Work with Cadres," *Partiinoe Stroitel'stvo*, No. 20, pp. 11–19 (Oc-

Publicity given in the Party press makes it possible to delineate the normal operational patterns of the Cadre Department. The basic data for its activities were accumulated from a variety of sources: from special studies made by its own field staff of inspectors; from periodic reports submitted by subordinate Party organs concerned with similar matters on a regional or local level; from information secured at special conferences called by the Kremlin to study personnel problems; from "self-criticism," or analyses of their own work, made by the provincial level Party officials who are called to report in person at the offices of the Cadre Department; and from complaints submitted by interested parties.[17]

The scope of the Department's interests was indicated in numerous reports on its work. In special national and regional conferences, its representatives demanded action from Party and governmental officials on such matters as inadequate housing for workers, excessive labor turnover in many sectors of Soviet industry, failure to promote and properly utilize women in some areas and members of non-Russian racial groups in others, assignment of skilled workers to posts for which they had no training, and placing of uneducated persons in supervisory positions. An intense campaign was also conducted by the Cadre Department to eliminate such politically dangerous practices as the assignment to important posts of persons who have not been approved by the appropriate Party offices and the maintenance of inadequate programs for study and training of new personnel. Finally, the Department recommended, for ratification by the appropriate organs of the CPSU Central Committee, the personnel for the key posts of national significance in the USSR.[18]

In addition to these general operations, the Cadre Department carried out special assignments. Within one year, it studied and issued directives on the personnel practices in the USSR Ministry of Electric Power and its stations throughout the country, the fishing industry around Murmansk, the district departments of agriculture in Chuvash province, and the newspaper organ of the USSR Ministry of Agriculture.[19] It has also joined the Propaganda Department of the Apparatus in special campaigns to increase individual productivity in the ferrous metallurgical and other industries.[20]

The Cadre Departments on the lower levels of the Party structure executed assignments from both the Cadre Department in the National Apparatus and the local Party officialdom. After the War, they carried through a series of widespread changes which often removed a heavy percentage of all office holders in their areas.[21] Thus, 27 per cent of all persons selected for state posts by the

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tober, 1943); *Moscow News*, October 24, 1945; *Izvestiya*, March 22, 1939; *Pravda*, August 28, 1946; *Izvestiya*, April 24, 1948; *Kul'tura i zhizn'*, No. 14, p. 5 (November, 1946).

[17] These summaries are based upon an extensive series of reports on the work of the Cadre Department, which appeared in *Partiinaya zhizn'* during 1947 and 1948.

[18] *Ibid.*

[19] *Partiinaya zhizn'*, No. 14, p. 77 (July, 1947); *ibid.*, No. 15, p. 62 (August, 1947); *ibid.*, No. 22, p. 61 (November, 1947); *Kul'tura i zhizn'*, No. 8 (March, 1948).

[20] *Pravda*, February 13, 1948.

[21] For examples, see the following issues of *Pravda:* March 7, 1946, April 15, 1946, August 19, 1946, August 23, 1946, September 25, 1946, October 23, 1946, and March 13, 1947.

Azerbaijan Party Central Committee were removed in 1947 and early 1948, and 24 per cent of their own appointees to such posts were discharged by the Party officials in Pinsk Province during 1949.[22] An example of the intensity of the purge is to be found in a report by the Cadre Department of the Smolensk Provincial Party Committee, which indicates that within one year some 2,118 (or 39 per cent of the total number) chairmen of collective farms in that province were summarily removed, usually without any explanation to the *kolkhoz* membership which theoretically had the sole right to select and dismiss its own leaders.[23] Within eighteen months after the War in the Byelo-Russian SSR, 90 per cent of all executive secretaries in the Party district committees, 96 per cent of all leading governmental officials on the county and municipal level, and 82 per cent of all collective farm chairmen were replaced.[24]

Throughout the past decade, there had been a considerable concentration of authority on personnel matters in the hands of these Cadre Departments on every level of Party organization. Other departments were permitted to study personnel problems in their own special fields, and even to nominate individuals for particular posts, but the actual assignment was usually made on recommendation by the Cadre Department.[25] At the end of 1948, however, a thorough-going reorganization of the Party machinery appears to have resulted in the transfer of a large part of the Cadre Department's former responsibilities to other Apparatus departments.[26] In fact, the Cadre Departments in the lower level apparatuses serving the Union Republican or provincial Party committees have apparently been eliminated for the time being.[27]

II. CHECKING ON FULFILLMENT OF PARTY DIRECTIVES

Joseph Stalin told the XVIIth Congress of the CPSU in 1934: "We can say with certainty that nine-tenths of our defects and faults are due to the lack of a properly organized system of checking up on the fulfillment of decisions."[28] In the effort to resolve this problem satisfactorily, the central Party authorities conducted numerous experiments on a variety of levels. There exists today a triple-headed system which includes the Party Control Commission, composed of Politburo members and other high leaders of the Party, apparently able to investigate any corner of the Soviet system and to utilize the lower bodies;[29] a Ministry of State Control, which was created "to establish the strictest control over accounting and expenditure of state funds and material values, and over execution of government decisions";[30] and a special department in the Apparatus, which supervises the lower levels of the Party machinery, and checks the work done by Party organs and subordinate mass organizations.

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[22] *Pravda*, July 23, 1948; *ibid.*, August 10, 1949.

[23] *Partiinaya zhizn'*, No. 12, p. 62 (June, 1947).

[24] *Partiinaya zhizn'*, No. 2, p. 39 (January, 1947).

[25] Shatalin, *op. cit.*, p. 15.

[26] *Moskovskii Bol'shevik*, February 2, 1949, p. 6. On the reorganization, see Section V, below.

[27] *Pravda Vostoka*, March 6, 1949.

[28] Joseph Stalin, "Report to the Seventeenth Congress of the C.P.S.U.," *Problems of Leninism*, p. 533.

[29] *Ibid.*, p. 535; *Pravda*, February 1, 1939; *Partiinoe Stroitel'stvo*, No. 14, p. 47 (July, 1940); *ibid.*, No. 18, pp. 70–71 (September, 1940).

The Apparatus has been reorganized frequently in its history, and some data on its supervisory functions have been made public after almost every reorganization. In 1934, it was announced at the XVIIth Party Congress that a Leading Party Organs' Department was being established in order to supervise the work of the subordinate Party bodies, particularly at the provincial and Republican levels.[31] At the XVIIIth Congress in 1939, Andrei Zhdanov indicated that this department would be replaced by an Organizational-Instructional Department. He also reminded the Party leaders of Stalin's admonition that the work of checking meant not only fulfilling the Party's directives, but also verifying "the correctness of the directives themselves."[32]

In 1943, the Central Committee of the CPSU issued a special edict setting forth the structure and tasks of its Organizational-Instructional Department. The document, which was published in full, provides an unusual view of an important segment of the Apparatus. This Department had four units: two dealt with routine Party membership affairs; a third was the field staff, which had "responsible organizers" in every province and Union Republic of the USSR; and the fourth was the "information section," which analyzed voluminous data submitted by subordinate Party organizations.[33] The Department secured its basic data through a variety of channels, including special reports from missions sent out on assignment by the Secretariat, continuing analyses from the Department's own field staff, and the detailed statements from the lower Party bodies.[34]

The Organizational-Instructional Department served three levels of the Communist Party organization. For the Secretariat of the Central Committee, the Department executed assigned commissions, studying special problems or gathering data on the fulfillment of important directives; it made reports on the functioning of the Party machinery in general, with particular reference to the execution of instructions; it submitted to the Secretariat special suggestions and ideas which were gathered during its regular operations, and often prepared drafts of resolutions and instructions to be issued in the name of the Central Committee. For the provincial and other leaders on lower levels of the Party, the Department assisted in the correction of organizational defects, providing instruction for dealing with operational difficulties, and circulating reports which generalized the Party's experience in various matters. Finally, the Department was apparently responsible for controlling the mechanics of disseminating the Party membership cards, and for maintaining accurate data on the composition of the CPSU.[35]

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[30] L. Mekhlis, "30 Years of Socialist State Control," *Pravda*, April 9, 1949; N. Antipov, "The Work of the Commission of Soviet Control," *Bol'shevik*, No. 17, pp. 9–16 (September, 1935).

[31] L. M. Kaganovich, *Report on the Organizational Problems of Party and Soviet Construction* (Moscow and New York, 1934), p. 140.

[32] *Pravda*, February 1, 1939. p. 1.

[33] "Tasks and Structure of the Organizational-Instructional Department of the Central Committee, CPSU," *Partiinoe Stroitel'stvo*, No. 17–18, p. 36 (September, 1943).

[34] *Ibid.*; *Partiinoe Stroitel'stvo*, No. 21, pp. 66–67 (November, 1940).

At the end of 1946, the Central Committee announced that the Organizational-Instructional Department was being replaced by a larger body with increased responsibilities, to be known as the Department for Checking Party Organs.[36] Its basic sections, like those of its predecessor, were a field staff organized in its Inspectorate, and a Section for Party Information.

The Inspectorate functioned through a group of carefully selected, authoritative representatives, each of whom had been trained in the mechanics and methods of Party operations. The inspector was sent into the field to secure pertinent data from the lower levels of the Communist Party organization, and to give instructions on the spot for improvement of any shortcomings he might find.[37] The Section for Party Information, like its predecessor in the Organizational-Instructional Department, received and analyzed incoming reports, and reported its recommendations to the Central Committee's Secretariat.[38] In addition to these units, the Department depended upon the organizational-instructional departments of the Party committees on the Republican, provincial and district levels, for their most important responsibility was "the systematic checking of the fulfillment of the directives of the CPSU Central Committee."[39]

In explaining the work of the Department for Checking Party Organs to the Communist Party leaders, one of its officials emphasized the significance of the post-war intensification of each Party organization's control of local economic and governmental organs. The Department, he wrote, "concentrates its attention on the *inspection* of the work of the Party organizations in each province, territory and Union Republic, as well as *control and checking* of fulfillment" of the CPSU Central Committee's directives by local party organs. Moreover, in performing its functions, the Department guarded against any infringements of the Party rules, including those which pertain to what the Bolsheviks call "inner-Party democracy," and insisted upon the "bold development of self-criticism."[40]

Although all assignments of the Department were not publicized, some indications of its work appeared in the Party press. Thus, it analyzed the operations of the national network of Machine-Tractor Stations, through which the Soviet Government provides tractors and other heavy equipment for the use of the collective farms and seeks to influence these *kolkhozy* in various ways.

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[35] *Ibid.*

[36] *Pravda*, December 14, 1946.

[37] For reports by inspectors, see *Partiinaya zhizn'*, No. 2, pp. 32–41 (January, 1947); *ibid.*, No. 9, pp. 7–16 (May, 1947). Cf. *Pravda*, March 3, 1948; *ibid.*, April 22, 1948.

[38] A. Sharev, "The Significance of Bolshevist Checking of Fulfillment," *Partiinaya zhizn'*, No. 3, p. 28 (February, 1947); *Kul'tura i zhizn'*, No. 4, p. 3 (February, 1948).

[39] A. Tsukanova, "On the Organizational-Instructional Section of the Chkalovsk Provincial Committee of the Party," *Partiinaya zhizn'*, No. 8, pp. 26–29 (April, 1947).

[40] Sharev, *op. cit.*, p. 28.

Shortly after the end of the War, the Central Committee had ordered an intensification of political work carried on through these Machine-Tractor Stations, and had restored the post of Deputy Director for Political Matters in each Station. In the fall of 1947, the Department for Checking of Party Organs undertook an intensive survey of the situation, sending out its own inspectors into the field to check the work being done and calling in typical Deputy Directors to make personal reports in the Department's offices in Moscow. In November, an abridged version of the Department's report was published, which concluded that Party operations in the Stations had improved somewhat. It warned, however, that the Deputy Directors for Political Matters must not occupy themselves with "narrow economic tasks," but must instead call more Party meetings, be "hard-headed" in reporting the true facts behind inadequate harvests and poor use of tractors, and seek increased direction from the local Party leadership.[41]

Some measure of the Department's range of responsibilities has been revealed in other published reports. It has tested the efficiency of Party branches in certain textile enterprises, examined the methods used throughout the Soviet Union to indoctrinate new Communists, spelled out for Party organizations their duties with respect to the five-year plan of Soviet industry, checked on the fulfillment of the Party's directives on collective farm matters, studied the performance of Party organs in the Soviet construction industry, and investigated reported deficiencies in the structure and functioning of the Byelo-Russian Communist Party.[42]

One of the Department's officials analyzed its operations in 1947, and indicated that there was considerable room for improvement. He pointed to deficiencies in the methods of control exercised by his organization, and indicated that Party organs on lower levels were failing to give adequate guidance in the political, economic and cultural life of their areas.[43] At the end of 1948, when the entire Apparatus was reorganized, these and other criticisms were presumably taken into consideration. In place of the Department for Checking Party Organs, a new unit called the Department for Party, Trade Union and Komsomol Organs was established. Little information has been released about the CPSU Central Committee's new agency, although it is clear that it will have greater responsibility for the work of the major mass organizations.[44]

More is known about the corresponding departments on the lower levels of the Party, however, as a result of published reports on the work of the Departments for Party, Trade Union and Komsomol Organs of the Byelo-Russian

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[41] "On the Work of Deputy Directors for Political Matters in M-T Stations," *Partiinaya zhizn'*, No. 22, pp. 61–62 (November, 1947).

[42] S. Ignatiev, "Improve Party Work at Textile Enterprises," *Partiinaya zhizn'*, No. 3, pp. 33–40 (February, 1947); "On Work with New Members of the CPSU," *ibid.*, No. 12, pp. 64–65 (June, 1947); N. Pegov, "An Important Area in the Struggle for the Five-Year Plan," *ibid.*, No. 10, pp. 18–27 (May, 1947); *ibid.*, No. 2, pp. 32–41 (January, 1947); *ibid.*, No. 9, pp. 7–16 (May, 1947); Sharev, *op. cit.*, p. 29.

[43] Sharev, *op. cit.*, p. 30.

[44] *Komsomol'skaya Pravda*, March 30, 1949.

Communist Party and of several provincial committees. The Departments on these levels have field organizations consisting of inspectorial groups, which are assigned to specific provinces or districts. Through them, each department concerns itself with governmental organizations and economic problems, as well as with Party matters, and deals with the deficiencies of collective farm organizations. Moreover, the Departments for Party, Trade Union and Komsomol Organs appear to have considerable responsibility in the personnel field, maintaining records of key persons, and taking a part in nominating and discharging persons for positions in which they have an interest. Finally, the Departments on each level continue to check on the fulfillment of Party directives.[45]

III. PROPAGANDA FOR THE PARTY LINE

Stalin has defined political leadership as "the ability to convince the masses of the correctness of the Party's policy," and has warned Soviet leaders that "if our Party propaganda for some reason goes lame, . . . then our entire State and Party work must inevitably languish."[46] The effort to secure popular support for national policies is carried on through a vast network of organizations and individuals, closely supervised by Party organizations at every level. At the top, the Department for Propaganda and Agitation, in the CPSU's Apparatus, gives general guidance to the operating groups, inspects the work of the supervising bodies, and provides a variety of services to the Secretariat of the CPSU.

A. *Leadership*. Andrei Zhdanov, who established the present organizational and operational pattern of the Department for Propaganda and Agitation, had a diversified career, playing an important role in three different, although interrelated, fields of Party activity. After an apprenticeship in various Party regional bodies, he became Party boss of the Leningrad region in 1934, where he assumed responsibility for the execution of Kremlin policy in the political, ideological, economic, military and other spheres for a decade. During the same period he filled several posts in the central headquarters of the CPSU. At the end of the War he was relieved of most other posts in order to fulfill "central" duties in the Kremlin, presumably acting as Stalin's substitute in the national Party structure. After performing efficiently several special assignments, Zhdanov was commissioned in 1938 to reorganize the Propaganda Department and was then placed in charge of the unit. In 1940, he was relieved of routine duties when his assistant was given the nominal title of departmental chief, but Zhdanov was officially charged with "supervision" of its work, and continued to play an important part during special campaigns until his death in 1948.[47]

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[45] I. Makarov (Director of the Department for Party, Trade Union and Komsomol Organs, Central Committee of the CP of Byelo-Russia), "Perfect the Methods of Party Guidance," *Pravda*, August 10, 1949; *ibid.*, August 6, 1949.

[46] J. Stalin, "Report to the Eighteenth Congress of the Communist Party," *Problems of Leninism*, p. 653.

[47] Biographical data may be found in *Pravda*, September 1, 1948, and August 31, 1949.

Many of Zhdanov's duties in the Central Committee, particularly in the field of propaganda, appear now to be falling to a new personality in Soviet politics who was apparently brought to Moscow when Zhdanov reorganized the CPSU headquarters in 1946. This is Mikhail A. Suslov, now 48 years old, who is described in the Russian press as a thin, youthful man of great energy. A Party official for most of his adult life, he was elected an alternate member of the Central Committee of the CPSU at the age of 37, when he was already first secretary (and thus the executive officer) of the Ordzhonikidze Territorial Party Committee. As the War approached, Suslov was placed in charge of the strategic Stravropol area and won his laurels organizing underground resistance after the Nazis occupied the region. When the Germans were finally expelled, Suslov apparently attracted the attention of Zhdanov by his efficiency in organizing the rehabilitation effort in liberated Lithuania[48] and was brought to Moscow. He worked in the Apparatus, receiving little publicity, except when he went abroad on a cultural mission or when he lectured on political economy in the Party's Academy of Social Sciences. By the end of 1947, however, he had reached the top level of the Party hierarchy, when the Central Committee appointed him one of its five secretaries, placed him in its Organizational Bureau, and made him director of its Department for Propaganda and Agitation.[49]

Suslov's lack of technical preparation for the latter post is worthy of note. He had had twenty years of experience as a Party official, executing the Kremlin's political and economic policies, but was without training in any field related to culture, ideology or mass communication. His only publications before his arrival in Moscow appear to have been a newspaper article demanding that Soviet teachers be given intensified Marxist training and taught to inculcate patriotism in their students, and a magazine article describing his methods of dealing with collective farm problems.[50] His ideas and language in these articles and in later speeches show an undeviating adherence to the stereotyped phrases of *Pravda*.[51]

After a few months as Chief of the Propaganda Department, Suslov was relieved of his post, although he continues to supervise its work as one of the Secretaries of the Central Committee. D. T. Shepilov, one of his assistants, has been given the formal post of chief, and is responsible for its routine administration.[52] The latter and his deputies appear to be veteran Party officials.

B. Organization. In order to fulfill its manifold responsibilities, the Department for Propaganda and Agitation has an elaborate organizational structure.

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[48] *Partiinoe Stroitel'stvo*, No. 23, pp. 19–27 (December, 1943).

[49] For details on Suslov's career, see *Pravda*, March 10, 1940; *ibid.*, February 21, 1941; *ibid.*, September 24, 1947; *ibid.*, November 25, 1947; *Soviet Weekly* (London), March 13, 1947.

[50] *Komsomol'skaya Pravda*, September 16, 1944; *Partiinoe Stroitel'stvo*, No. 23, pp. 19–27 (December, 1943).

[51] See, for example, M. A. Suslov, *Idei Lenina ozaryayut put' k kommunizmu* [Lenin's Ideas Light the Way to Communism] (Moscow, 1948).

[52] *Pravda*, January 15, 1948; *ibid.*, February 20, 1949.

On the basis of data made public in the Soviet Union, there appear to be twelve sections, each supervising a special area of the Department's interest. Over and above these, coordinating their activities and directing their work, is the Office of the Departmental Chief, in which are found his Deputy Chiefs and personal assistants, and the staff of the Department's organ, *Culture and Life.*

Operations in press affairs, a field of high importance in the Soviet propaganda machine, are divided among three units of the Department. The Section for the Central Press deals with the work of the Moscow publications which have a national circulation. These include the organs of the government, the trade unions, the Komsomol and the military services. Not only is their work carefully watched, but the editors of these newspapers are called together periodically by the Department, when the quality of their newspaper work is discussed in some detail, and frequently the instructions given them are made public.[53] The Section for the Local Press, directed for years by V. Kuroedov, maintains some supervision over the work of the seven thousand newspapers issued on the Union Republican, provincial, district and municipal level. It often convenes conferences of editors in specific regions or calls in individual editors for special instructions, and issues directives for all local newspapers throughout the Soviet Union.[54] The Section for Publishing Houses supervises the work of the numerous Soviet institutions in the publishing industry, perhaps the largest in the world, and takes an important part in the formulation and execution of their plans.[55]

For the other media of mass communication, the Department has four sections. These include film and radio units, a Section for Fictional Literature, and a Section for Art Affairs, which is concerned with the Soviet theatre, music, painting and related fields.[56] It is noteworthy that the governmental bodies responsible for regular supervision of operations in these media often recruit their personnel from high Party organizations. A. Puzin, present head of the government-operated radio broadcasting system, and P. I. Lebedev, Chairman of the Committee on Art Affairs attached to the USSR Council of Ministers, were once section chiefs in this Propaganda Department, and the USSR Minister of Cinematography was once an official in the Kremlin Administration.[57] However, when any of these men takes a governmental position, he and his organization are supervised by the Propaganda Department and are often subjected to public criticism.[58]

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[53] *Kul'tura i zhizn'*, No. 21, p. 2 (July, 1949); *ibid.*, No. 24, p. 2 (August, 1947); *ibid.*, No. 21, p. 3 (July, 1948); *ibid.*, No. 17 (June, 1948).

[54] *Kul'tura i zhizn'*, No. 10, p. 2 (April, 1948); *ibid.*, No. 8, p. 2 (March, 1949); V. Kuroedov, "The County Newspaper—a Most Important Means of Improving the Work in the Countryside," *Partiinaya zhizn'*, No. 3, pp. 48–55 (February, 1947).

[55] *Kul'tura i zhizn'*, No. 3, p. 4 (January, 1948).

[56] *Literatura i iskusstvo*, No. 7 p. 4 (February, 1944); *Kul'tura i zhizn'*, No. 12, p. 4 (April, 1948); *ibid.*, No. 13, p. 2 (May, 1948); *ibid.*, No. 14, p. 4 (November, 1946).

[57] *Partiinoe Stroitel'stvo*, No. 15–16, p. 22 (August, 1940); *Kul'tura i zhizn'*, No. 22, p. 3 (August, 1948).

[58] *Kul'tura i zhizn'*, No. 10, p. 4 (April, 1947); *ibid.*, No. 19, p. 2 (December, 1946).

Four other sections fulfill the Propaganda Department's responsibilities in the special fields of education and science. The Section for Cultural-Enlightenment Institutions is concerned with the operations of a dual system—8,000 club-houses and other facilities controlled by the trade unions in the metropolitan centers, and an extensive system of reading rooms and sundry cultural facilities run by the local educational authorities and the collective farms in the rural areas.[59] The School Section, which deals with the Soviet system of formal education, appears to have three major functions. First, it explains the Kremlin's general policies and specific directives to the appropriate educational authorities, utilizing the press and frequent conferences among other means.[60] Second, it ascertains that these instructions are being obeyed, employing a special staff for this purpose.[61] Third, it gathers data for the Party leaders concerning special problems that may require new policies and new directives—securing information from high governmental officials, Party leaders and educational specialists, in written reports or personal statements before the Section.[62] Numerous stories of the Section's activities indicate an interest in every aspect of the Soviet educational system.[63]

The Science Section is concerned with the indoctrination and utilization of scientific personnel. Examples of its work were revealed in three conferences convened in the spring of 1948. The first dealt with the Dagestan Autonomous SSR, to which the Science Section had first sent its own investigating team and from which a report by the regional Party organization had been received. These preliminary surveys indicated that the local branch of the USSR Academy of Sciences was neglecting research concerning oil and gas, and that inadequate attention was being given to problems of stockraising. The section officials in Moscow reprimanded the Dagestan scientists for the unsatisfactory results, criticized the Dagestan Party organization for failure to indoctrinate the local scientists with the proper spirit, and reproved the central headquarters of the Academy of Sciences for neglecting to send four qualified scientists to the area, as previously ordered.[64] At about the same time, other conferences were convened by the Science Section to examine the teaching of Marxism at the University of Leningrad, and the instruction on agricultural economics being given in many Soviet universities. Detailed reports were received and instructions given for the removal of deficiencies.[65] The head of the Section in

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[59] See the following numbers of *Kul'tura i zhizn'*: No. 4 (February, 1948); No. 11 (April 1948); No. 16 (June, 1948); and No. 17 (June, 1948).

[60] For examples, note an article by the Chief of the School Section in *Bol'shevik*, No. 11, pp. 22–35 (June, 1947), and his speech before a national conference on education (*Komsomol'skaya Pravda*, August 9, 1946).

[61] *Kul'tura i zhizn'*, No. 22 (August, 1947); *ibid.*, No. 20 (July, 1947); *ibid.*, No. 13 (May, 1949).

[62] For examples, see reports in these issues of *Kul'tura i zhizn'*: No. 19 (July, 1948); No. 21 (July, 1947); No. 36 (December, 1947); and No. 13 (May, 1949).

[63] Virtually every issue of *Kul'tura i zhizn'*, from June, 1947, to July, 1948, contains reports on the activities of the School Section.

[64] *Kul'tura i zhizn'*, No. 17 (June, 1948).

[65] *Ibid.*, No. 13 (May, 1948).

1948, a young man working toward a higher academic degree in the natural sciences, declared that he expressed "the official point of view of the (Party's) Central Committee," and demanded "a Party spirit in science."[66]

The Section for Party Propaganda, headed by P. Lyashenko, was established in 1949, after a Propaganda Department survey revealed many weaknesses in the existing system for ideological training of Communist Party members.[67] The Central Committee issued public instructions for intensified attention to these matters by all Party organizations, and ordered its own Propaganda Department "to exercise daily operational control over the selection, training and retraining" of the 250,000 teachers and administrators of the political schools and study circles comprising this system, and to ensure the issuance of appropriate textbooks for their use.[68]

The last group of units in the Department is concerned with organizational and related matters. The Agitation Section, supervised for several years by K. Kalashnikov, has been responsible for political propaganda in the national elections, the mass political work conducted in rural areas during the spring sowing and harvesting seasons, and the special campaign in mining, timber, and other Soviet industries.[69] The Propaganda Section, headed by S. Kovalev, has a number of "propaganda groups" which travel about the country assisting the lower Party organizations in their work, and a "lecture group" which trains and maintains a close check on the local speakers who transmit the Party line in various forms of oral propaganda.[70]

C. Operational Methods. Within the broad sphere of national morale and public opinion control, the tasks of the Propaganda Department appear to fall into two major categories. The first may be summarized as the performance of services for the Party's Central Committee; the second involves supervision over the vast propaganda machine of the Party and its auxiliaries.

The Party's Central Committee makes the basic policies which guide the entire propaganda organization. The analysis of the manifold and diversified data, upon which these policy decisions rest, is usually furnished by its Propaganda Department.[71] The data is apparently gathered in diversified ways: by sending out special groups to check the situation, by summoning responsible officials to report individually to the Department in Moscow, by calling a large conference of many experts on the matter in hand, or by having local Party organizations study and report on the question.[72]

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[66] *Pravda*, April 22, July 1, and August 7, 1948: *Komsomol'skaya Pravda*, May 25, 1948; *Kul'tura i zhizn'*, No. 26 (September, 1949).

[67] Some four million members were enrolled for this training. *Kul'tura i zhizn'*, No. 21, p. 2 (July 1949); *ibid.*, No. 11, p. 2 (April, 1949).

[68] *Ibid.*, No. 19, p. 1 (July, 1949); *Pravda*, August 5, 1949.

[69] *Ibid.*, No. 17, pp. 1–2 (December, 1946); *ibid.*, No. 34, p. 1 (December, 1947); *Pravda*, March 11, 1947; *ibid.*, January 3, 1949.

[70] For examples, see the following issues of *Kul'tura i zhizn':* No. 11 (April, 1948); No. 12 (October, 1946); No. 15 (May, 1947). See also: "On the work of the Propaganda groups of the Propaganda Department, Central Committee, CPSU," *Propagandist*, No. 17, pp. 30–31 (November, 1942); *Sputnik Agitatora*, No. 23–24, pp. 42–44 (December, 1943).

[71] For example: *Propagandist*, No. 14, p. 46 (July, 1943).

Once the Central Committee has issued a policy decision, the Propaganda Department makes certain that it reaches the pertinent agencies and that it is correctly understood by the responsible officials. This is done through publication of the Central Committee's decrees, through editorials on the subject appearing in the Propaganda Department's organ or in *Pravda*, through special articles or speeches by Propaganda Department officials explaining the Central Committee's decisions, and through special conferences called to study the implications of these decisions. Frequently, the Central Committee's new policy will be announced as if it were to be applied to a single organization, but usually it has national application. Thus, the post-war regimentation of Soviet artists, which began in 1946, was first announced in the Central Committee's decree on two obscure Leningrad literary journals. Thousands of meetings, speeches and articles, which involved virtually all writers in the Soviet Union, followed. When the Central Committee decided in 1949 to revise its policies concerning satiric literature, it announced its decision by ordering changes in the structure and policies of the editorial staff of the famous Soviet magazine, *Krokodil* (The Crocodile). Not only were the implications of the edict carefully explained in appropriate publications, but 250 of the leading satirists were called from all corners of the Soviet Union to a special conference in Moscow to receive precise instructions.[73]

The Propaganda Department has a special role in the national propaganda system which covers every part of the Soviet world and reaches virtually every Soviet citizen through numerous channels. Judging from the available data, the Propaganda Department is not given complete and centralized control of the entire system. Responsibility for most of the system's day-to-day operations rests with the regional organizations of the Communist Party, while the Propaganda Department concentrates on ensuring the proper functioning of the total machine.

The Department's methods for fulfilling its responsibilities are numerous and varied. It may send out directives to all offices in an entire area or to a large number of organizations through circular letters, or it may instruct one delinquent body through a special letter.[74] It may call one propaganda official to Moscow for "instructions," it may summon several for a conference in the offices of the Propaganda Department, or it may convene a large-scale meeting of all propagandists in an area and send out its agents to officiate.[75] Of major importance are the special field groups, which give instructions on the spot, carry through minor reorganizations, and assist in the resolving of difficult problems.[76] Finally, considerable use is made of the Party press, including *Pravda*, the journals for Party organizational matters, and the special organ of the Propaganda Department. The latter publication, *Culture and Life*, during a short period criticized and secured changes in the propaganda operations within the USSR Ministries of Agriculture and Cinematography, the Soviet Navy, and the USSR Academy of Sciences.[77] A typical situation occurred after *Culture and Life* criticized certain phases of the work done by the Gorki Literary Institute. Three members of the staff, who were responsible for the work in question, were immediately dismissed from the Institute.[78]

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[72] *Partiinaya zhizn'*, No. 12, pp. 55–56 (June, 1947); *ibid.*, No. 13, p. 70 (July, 1947); *Kul'tura i zhizn'*, No. 32, p. 4 (November, 1947); *ibid.*, pp. 2, 3 (February, 1948); *ibid.*, No. 12, p. 2 (April, 1948); *Pravda*, January 3, 1949.

[73] *Pravda*, June 3, 1949; *Kul'tura i zhizn'*, No. 26 (September, 1949).

[74] *Propagandist*, No. 1, pp. 45–48 (January, 1942); *Kul'tura i zhizn'*, No. 19, p. 2 (July, 1947).

[75] *Kul'tura i zhizn'*, No. 8, p. 2 (March, 1949); *ibid.*, No. 19, p. 3 (July, 1948); *ibid.*, No. 1, p. 1 (January, 1947); *Propagandist*, No. 17, pp. 36–39 (November, 1942).

IV. LOYALTY AND EFFICIENCY IN THE SOVIET ARMED FORCES

Although the Central Committee maintains several checks on the work of the trade unions, the Unions of Communist Youth and other mass organizations, it uses a more direct method in the case of the Soviet armed forces. Here, the Kremlin has placed the Military Department of its own Apparatus inside the USSR Ministry of Armed Forces, and has given it direct responsibility for the loyalty and morale of the nation's military personnel.[79] In this dual capacity, the Military Department, functioning as the Main Political Administration (MPA) of the Armed Forces, reports to and works under organs of the Party Central Committee.[80] In fact, during the late War, a Politburo member became the chief of the MPA.[81]

The leaders of the MPA have proclaimed that their organization has two major objectives: to assist in the psychological process of stimulating each man to achieve maximum efficiency in his military duties, and to make him an enthusiastic supporter of the policies of the Party.[82] In pursuance of these objectives, the MPA leaders are given varying degrees of authority over a large and complete structure, utilizing three major types of personnel. The first, the administrators of this vast system, are the "political workers" of the "political organs," the full-time professional members of the MPA's staff who work in the upper and middle levels of the Soviet Armed Forces, from the Military District headquarters down to the battalion. These are openly referred to as "militant Bolsheviks, placed by the Bolshevik Party in a most important area of work . . . and responsible to the Party."[83]

The second type of personnel, the military commander in the units below the level of battalion, is only partly responsible to the MPA. As a result of the Governmental decree of 1942, the office of military commissar was abolished and the military commander was told that political work had become "part of his service obligations."[84] In this sphere, the commander is responsible to the political organs, and through them to the MPA.[85] A third type of personnel at the disposal of the Main Political Administration is the Communist Party and Komsomol membership in the armed forces, which includes a significant percentage of the total manpower in the Soviet Armed Forces.[86]

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[76] G. Pol'tsev, "From the Experience in Mass Political Work in the Enterprises of Ivanov Province," *Sputnik agitatora*, No. 2, pp. 9–10 (January, 1944).

[77] *Kul'tura i zhizn'*, No. 16, p. 1 (June, 1948); *ibid.*, pp. 2, 4 (July 11, 1948); *ibid.*, No. 26, p. 3 (September, 1948).

[78] *Kul'tura i zhizn'*, No. 7, p. 3 (March, 1949).

[79] *Pravda*, March 27, 1939: Article 67 of the Statutes of the CPSU.

[80] *Krasnaya Zvezda*, October 22, 1946; *ibid.*, July 13, 1940; *Pravda*, March 27, 1939.

[81] *Izvestiya*, May 12, 1945.

[82] Colonel-General I. Shikin (then Chief of the MPA), "Party-Political Life in the Soviet Army," *Partiinaya zhizn'*, No. 3, p. 22 (February, 1948).

[83] *Krasnaya Zvezda*, June 25, 1948.

Two important units of the MPA, its Propaganda and Agitation Sections, are usually directed by veteran Party leaders.[87] They are able to utilize a wide network of newspapers and publishing houses, a large radio-broadcasting system, numerous facilities for motion picture exhibition, as well as many thousands of agitators and propagandists. The last Party Congress was told that the MPA was spending 230 million rubles in 1939, and this figure has undoubtedly been increased several times since then.[88]

Published reports on the day-to-day activities of the MPA reveal that it closely supervises the entire system of political enlightenment in the armed forces. It has engaged in issuing general directives and specific instructions, in controlling several military academies and cultural establishments, in convening numerous conferences for the exchange of data on various aspects of military-political work, and in making continuing checks on the morale of the Soviet soldiers and sailors.[89]

Unlike other departments of the Central Committee's Apparatus, the Main Political Administration must operate as a public agency, and is subject to public criticism. It is consequently possible to gain some impression of its weaknesses and problems. The MPA has been accused of top-heavy bureaucracy, of providing insufficient guidance to the vast organization under its control, and of ignoring the needs of many parts of that organization.[90] One unit which has been under heavy fire is the Komsomol structure, through which a special office in the MPA utilizes the million or more military members of the Communist Union of Youth for special service.[91] In recent years, the Komsomol unit in the armed forces, although presumably a "mass organization" open to all able young people, has actually been losing members. It has allegedly failed to secure contributions from many of those who have remained in its ranks and those Komsomol members who are being utilized in political work are reportedly operating on a low level. Political workers are charged with providing little guidance to the Komsomols.[92] Similar forms of criticism are offered concerning other parts of the MPA organization.[93]

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[84] *Ibid.*, December 4, 1943.

[85] For details, see the following numbers in *Krasnaya Zvezda:* November 23, 1943; December 4, 1943; January 18, 1944; and May 24, 1944.

[86] *Ibid.*, July 7, 1948; *Pravda*, January 26, 1942; *ibid.*, February 23, 1941.

[87] *Krasnaya Zvezda*, March 5, 1948; *Kul'tura i zhizn'*, No. 22, p. 3 (August, 1948).

[88] *The Red Army Today* (Moscow, 1939), p. 28.

[89] *Krasnaya Zvezda*, October 22, 1948; *ibid.*, June 18, 1948; *ibid.*, October 21, 1948; Radio Moscow, October 7, 1948 and October 7, 1947.

[90] For examples of these criticisms, see: *Krasnaya Zvezda*, March 13, 1948; June 25, 1948; July 7, 1948.

[91] *Ibid.*, April 6, 1948; *Komsomolskaya Pravda*, December 30, 1948.

Various levels of the MPA system are censured for deficiencies in the execution of Party policies. Colonel-General Shikin, until recently head of the MPA, has frequently charged that insufficient interest was being shown in military matters, that there was inadequate attention to problems of comfort and health of the soldier and sailor, and that the propaganda being disseminated did not meet the needs of the day.[94] The leaders of MPA appear to be most concerned about the failure of their subordinates to deal adequately with the task of proving the "superiority" of the Soviet system, in contrast to the cultural and moral "bankruptcy" of the West and its capitalist system.[95]

It is not surprising to note that the directorship of the Main Political Administration of the Armed Forces has not been a stepping stone to higher Party posts. By the spring of 1949, there had been seven incumbents in this position. Of these, one had died in office, three had been executed, one had disappeared into obscurity, and only one (the present USSR Minister of State Control) remains a relatively important personage.[96] The seventh, Colonel-General Shikin, was removed from his post in 1949, and made director of one of the several military academies which his subordinates had been supervising.[97]

V. THE PRODUCTION-BRANCH EMPHASIS VERSUS THE FUNCTIONAL PATTERN

The basic organization of the Apparatus has been altered periodically, oscillating between an emphasis upon "functional" divisions in certain years and upon "production-branch" units in others. In 1930, at the time of the XVIth Party Congress, the Apparatus structure rested primarily upon the functional departments, which took over-all responsibility for the Party's nation-wide operations in such fields as propaganda and assignment of cadres. The department performing the latter task of assigning key personnel had special sections within it for work in each of the major industries.[98] At the next Party Congress in 1934, it was announced that Apparatus structure had been altered to make full and equal departments of the production-branch units, such as agriculture, transportation, finance and trade, and that these would now assume some of the duties formerly concentrated in the propaganda and other functional departments.[99] At the last Party Congress in 1939, Andrei Zhdanov announced a return to the functional emphasis, with the strengthening of the propaganda, cadre and other functional departments, and the temporary abolition of most production-branch departments.[100]

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[92] For examples of such criticism, see Col.-Gen. I. Shikin, "Fulfill Completely the Communists' Instructions," *Krasnaya Zvezda*, July 7, 1948; and the following numbers of *Krasnaya Zvezda*, the military organ: September 15, 1946; March 28, 1948; April 1, 1948; April 6, 1948; March 30, 1948; and March 5, 1948.

[93] *Kul'tura i zhizn'*, No. 34 (December, 1947).

[94] Shikin, *op. cit.*; *Krasnaya Zvezda*, March 13, 1948; November 19, 1948; and October 22, 1948.

[95] *Krasnaya Zvezda*, April 1, 1948; Shikin, *op. cit.*, p. 24.

[96] *Pravda*, June 12, 1937; B. Souvarine, *Stalin* (New York, 1939), pp. 634–635; *Izvestiya*, May 12, 1945; *Pravda*, February 21, 1941; *ibid.*, January 15, 1949.

[97] *Krasnaya Zvezda*, August 20, 1949.

[98] L. Kaganovich, "On the Apparatus of the Central Committee of the CPSU (b)," *Partiinoe Stroitel'stvo*, No. 2, pp. 9, 86 (February, 1930).

Andrei Zhdanov died on August 31, 1948, and at about the same time on Stalin's initiative, the Central Committee ordered a reorganization of the Party Apparatus.[101] Several facts indicate that the ensuing organizational pattern involves a revival of the emphasis on the production-branch departments. Thus, while the functional departments continue to exist, some of their former responsibilities are now shared with other departments.[102] At least one of the functional units (the Propaganda Department) has been demoted in rank, losing its former high administrative designation as an "upravlenie" (administration) and taking the lower classification of an "otdel" (division).[103] Another (the Cadre Department) may have been abolished. During the same period the Party press began to make references to such units in the CPSU Apparatus as the Departments of Light Industry, Heavy Industry, Agriculture and Transportation.[104]

The functions of the production-branch departments apparently fall into four major categories. One of their chief tasks involves morale operations, such as the issuance of production propaganda designed to raise the output of the Soviet labor force in each field. This activity is reflected in the recent speech of the head of the Light Industry Department before a National Conference of Young Stakhanovites in Light Industry, and in the report made a decade ago by the chief of the Agriculture Department to the All-Union Congress of Shock Troopers among Collective Farmers.[105] Another basic function of the production-branch departments is to supervise and give special direction to the Communist Party organizations and trade unions in the fields for which they are responsible.[106] They also share responsibility for personnel work in their fields, selecting promising workers for special training, securing appropriate assignments, watching the quality of performance, and removing those found to be unsatisfactory.[107]

Finally, it is the task of the production-branch department to utilize every resource for strengthening the production units in its field. Its staff experts study the reports of the factories and mills, giving special attention to those falling behind in norms assigned in the state plan. It receives and investigates reports of improper conduct or other complaints sent in by individual workers, trade union branches and Party organizations, and sends the results of these investigations to the proper authorities for appropriate action.[108] An example of these methods is found in a published report of a provincial committee's Industrial Department, which followed up a series of reports by primary Party organizations about inefficiency in an oil-producing trust. Investigation revealed that the sources of raw materials were not being fully utilized, that bureaucracy was ripe in the trust, and that the responsible officials were complacent about the fact that their agency was an economic loss. This was reported to the provincial Party committee, which secured the necessary action through government officials in Moscow.[109]

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[99] L. Kaganovich, *Report on the Organizational Problems of Party and Soviet Construction* (New York, n.d.), p. 138.

[100] *Pravda*, February 1, 1939.

[101] *Moskovksii Bol'shevik*, February 2, 1949, p. 6.

[102] *Ibid.*

[103] Compare *Kul'tura i zhizn'* of July 11, 1948, with the following issue of July 21, 1948.

[104] For examples, see the following issues of *Pravda:* August 10, 1949; June 5, 1949; May 28, 1949; December 19, 1948. On the lower levels of Party organization, where more complete information has been released, there are also departments for trade, planning, commerce, machine construction, and coal. *Pravda Vostoka*, March 6, 1949; *Pravda*, August 10, 1949; *Partiinaya zhizn'*, No. 6, p. 8 (March, 1948).

[105] *Pravda*, March 20, 1949; *ibid.*, March 12, 1935; *ibid.*, July 20, 1949.

[106] *Report on the Organizational Problems of Party and Soviet Construction*, *op. cit.*, p. 138; *Pravda*, August 26, 1949.

[107] *Ibid.; Moskovskii Bol'shevik*, February 2, 1949, p. 6; *Pravda*, August 10, 1949.

The men selected for the production-branch departments appear to follow the usual pattern. The top officials are primarily Party workers, whose salient characteristics are trustworthiness and leadership. One of these is N. Pegov, who had a long career in the Party organization where he attained the post of Deputy-Chief of the Department for Checking Party Organs. In 1946, when the Politburo established the Council on Collective Farm Affairs to deal with a serious situation in Soviet agriculture, Pegov was assigned to act as the Council's Secretary. Although he apparently knew as little of industry as he did of agriculture, he received in 1948 a new post as Chief of the Light Industry Department.[110]

Among these officials are also men with technical as well as political training. A. I. Kozlov, head of the National Apparatus' Agriculture Department, was in charge of the USSR Ministry for Animal Husbandry until its dissolution.[111] V. I. Soloviev, formerly in the Apparatus' Cadre Department, was made head of a unit in the Department for Heavy Industry, on the basis of industrial and Party training.[112] The Industrial Department of the provincial committee mentioned above was staffed with men who were described as "qualified Communist specialists," with education and experience in technical matters and Party work.[113]

VI. MISCELLANEOUS FUNCTIONS

A. Foreign Operations. Although Party leaders have frequently expressed intensive interest in the work of the Soviet Foreign Office and in the activities of Communist Parties in other countries, there have been no references in

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[108] S. Zadionchenko, "Party-Political Work in the Coal Industry," *Partiinaya zhizn'*, No. 6, pp. 6–11 (March, 1948); *Pravda*, August 26, 1949; *ibid.*, September 23, 1949.

[109] A. Rozhkov, "The Industrial Department of a Provincial Committee," *Partiinoe Stroitel'stvo*, No. 21 pp. 52–57 (November, 1940).

[110] *Partiinaya zhizn'*, No. 10, p. 18 (May, 1947); *Pravda*, Octobel 10, 1946; *ibid.*, December 19, 1948.

[111] *Izvestiya*, February 4, 1947.

[112] *Pravda*, March 20, 1949, p. 4; *Kul'tura i zhizn'*, No. 14, p. 1 (May, 1947).

[113] Roshkov, *op. cit.*, p. 52.

Soviet public materials to a unit in the Apparatus dealing with these matters. Nevertheless, it should be noted that several former Soviet officials—including Alexander Barmine, once first secretary of the Soviet Legation in Greece, and Igor Gouzenko, formerly in the Soviet Embassy in Canada—have insisted that the Central Committee of the CPSU does have a Foreign Department in its Apparatus.[114]

It is not improbable that such a unit exists. It would be in keeping with the pattern of Party organization if the CPSU's Apparatus shared in the responsibility for personnel selection and allocation for key posts in the Soviet Government's Foreign Service, as Barmine and Gouzenko indicate.[115] Moreover, it is probable that the Apparatus is called upon to gather and analyze some of the information needed as a basis for policy decisions by the Politburo in foreign affairs.[116] The letters that were sent by the CPSU to Tito of Yugoslavia indicate that detailed information on foreign Communists is still being collected for the Politburo.[117] Finally, the Party uses agents to carry out Politburo foreign policies, including those pertaining to such semi-public bodies as the international Information Bureau of the Communist Parties (Cominform). A Foreign Department might well supply the staff and even the leadership for such agents. Malenkov (whom Gouzenko has named as the head of the Foreign Department[118]), Zhdanov, Suslov and Paul Yudin have all worked in the Apparatus, and each has been used by the CPSU Central Committee in its publicized foreign activities.[119]

B. *Work Among Women.* The CPSU has been intensifying its propaganda among Soviet women in the past few years,[120] and has recently established special departments to direct this work. These units, which mobilize large numbers of Soviet women to assist them,[121] publicize the women who have achieved fame in various spheres of Soviet life, point with pride to the special advantages enjoyed by all Soviet women, and explain why the various policies of the Party and Government should be supported.[122] As yet, however, reports on such activities pertain only to Departments on Work Among Women in the Apparatus of the Central Committee of the Byelo-Russian Communist Party and analogous units on lower Party levels.[123] No reference has yet appeared in public print to a department for such operations in the staff organization of the CPSU Central Committee.

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[114] A. Barmine, *One Who Survived* (New York, 1945), p. 309; Canadian Royal Commission to Investigate Disclosures of Secret and Confidential Material to Unauthorized Persons, *Report of the Royal Commission* (Ottawa, 1946), pp. 27, 647.

[115] See footnote 114, above.

[116] Barmine, *op. cit.*, p. 309.

[117] *The Soviet-Yugoslav Dispute: Text of the Published Correspondence*, compiled and published by the Royal Institute of International Affairs (London and New York, 1948). Note the Statement on the Tito affair, signed by "Tseka" or Central Committee, appearing in *Pravda*, September 8, 1948.

[118] *Report of the Royal Commission*, p. 27.

[119] *For a Lasting Peace, for a People's Democracy*! (Belgrade), No. 1, p. 1 (November, 1947); *ibid.*, No. 3, p. 1 (February 1, 1948); *ibid.*, No. 28, p. 1 (November 29, 1949).

[120] For example, note *Pravda*, September 8, 1949, and *Kul'tura i zhizn'*, No. 2, p. 3 (January, 1948).

[121] Thus, in the western areas of the Byelo-Russian SSR, over 33,000 women have been drawn into this work (*Pravda*, February 17, 1949).

[122] For some details, see articles in the following issues of *Pravda:* September 2, 5, 9, 23, and October 8, 1949.

C. *Attention to the Views of the Citizenry.* The Party makes a considerable effort to secure complaints and suggestions from the Soviet public, and many thousands of communications are received weekly by newspapers, radio stations and Party offices.[124] Each of these has been instructed by the Central Committee to establish an efficient staff to analyze the communications, to transmit them to appropriate governmental and other officials for suitable action, and to report to the Party on results.[125] The most important of such reception centers is the Correspondence Bureau in the Apparatus of the Central Committee.[126]

D. *Special Training for Party Leadership.* The Party operates two institutions for formal training of its younger officials. The first of these, revealed in a decree of the CPSU Central Committee in 1946, is a general system of schools to "retrain" leadership in the Party and Government, and to prepare promising young men for future posts of importance. At present, there are 180 such schools with a total student body of 30,000 officials on leave from their Party, governmental, Komsomol and newspaper positions.[127] At the apex of this system is the Higher Party School, under the direct supervision of and attached to the Central Committee itself, which is training one thousand young Communists. The resident student body has representatives of 37 Soviet nationalities, and includes 192 students who had already held such posts as executive secretary of the Party organization in Union Republics or provinces, 273 who had been deputy secretaries or directors of apparatus departments, 113 who had been editors or assistant editors of provincial newspapers, and 120 who had been leading governmental officials at the provincial levels.[128]

The second of the Party institutions is the Academy of Social Sciences, which is also under the direct control of the CPSU Central Committee. Concerned with the training of specialists in Marxist-Leninist theory for Party organizations, research institutes and schools of higher learning, the Academy has about 500 selected students. These include some 300 candidates for higher degrees, who are completing a four-year course, and about 200 from the teaching staffs of various colleges, who are given a special one-year course. Recently the Central Committee expressed dissatisfaction with the results being achieved by the Academy and ordered the Apparatus Department of Propaganda and Agitation to supervise various aspects of the Academy's work.[129]

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[123] *Pravda*, February 19, 1949; *ibid.*, September 8, 1949; *Kul'tura i zhizn'*, No. 2, p. 3 (January, 1948).

[124] Thus, *Pravda* receives 5,000 letters and 350 visitors each week. V. Golenkina, *The Soviet Press* (Moscow, 1939), p. 17.

[125] *Resheniya partii o pechat'* [Resolutions of the Party Concerning the Press] (Moscow, 1941), p. 162; *Partiinoe Stroitel'stvo*, No. 11, pp. 30–31 (June, 1943).

[126] *Pravda*, March 12, 1939.

[127] "Training and Retraining of Leading Party and Soviet Workers," *Bol'shevik*, No. 14, pp. 3–8 (July, 1948); *Pravda*, November 2, 1946; *ibid.*, October 31, 1946.

[128] *Kul'tura i zhizn'*, No. 25, p. 1 (September, 1947); *Partiinaya zhizn'*, No. 20, p. 96 (October, 1947); *Pravda*, June 1, 1947.

VII. CONCLUSION

The Apparatus of the CPSU Central Committee is neither the brain trust of the Politburo nor the Controller of the administrative mechanism by which the Party rules the Soviet Union. The responsibilities of the Apparatus departments are limited in scope, and the sum total of these responsibilities does not equal an over-all supervision of the Soviet government, national economy, and major social institutions. In actuality, the Apparatus is only one of the Politburo's numerous instrumentalities, and its special functions are largely restricted to the fields of personnel and propaganda in Soviet life, and to verification of fulfillment of Moscow's directives in the Party organization. To perform these functions, the departments of the Apparatus have extensive sources of information, active staffs for headquarters and field operations, and considerable authority.

Available information indicates that most responsible workers in the Apparatus have served an apprenticeship at lower levels of Communist Party organization, usually within the provincial or district organs. The major characteristic desired in such workers appears to be trustworthiness, rather than technical training for a particular post in Moscow.

The men who serve in the Apparatus may well be regarded as the most promising in Party ranks. They are performing vital tasks under the direction of the Central Committee, and their prospects for advancement are bright. If they perform their Apparatus job creditably, they may expect assignments of the type given to such recent colleagues as the present head of the Soviet broadcasting system, the deputy chiefs of the Ukrainian and Byelo-Russian Party organizations, the editor of *Pravda*, the chief and his deputy of the USSR Ministry of State Control, and many others. They may even dream that, eventually, they will follow Malenkov, Zhdanov, Kaganovich, and other Apparatus graduates into the Politburo itself.

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[129] *Kul'tura i zhizn'*, No. 26, p. 1 (September, 1948); *ibid.*, No. 14, p. 2 (May, 1947).

THE LODGE-GOSSETT RESOLUTION: A CRITICAL ANALYSIS

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Since 1797, when Representative Smith of South Carolina proposed a constitutional amendment to reform the electoral college, scarcely a Congress has adjourned without the introduction of one or more resolutions on this subject.[1] A plan which is currently receiving attention was introduced in the Senate by Henry Cabot Lodge of Massachusetts and in the House by Ed Gossett of Texas. The Senate has already passed the so-called Lodge-Gossett proposal by a vote of 64 to 27—three more than the necessary two-thirds.[1a] There is actually some chance that the House of Representatives will approve the measure and send it to the states as it enjoys bi-partisan support and has received favorable committee action in the House.[2]

The plan provides for three major changes in the electoral system. First, it would abolish presidential electors but retain the electoral votes of each state as at present. The purpose of this change is to prevent electors from acting on their own judgment. In the past, this matter has seemed relatively unimportant. But the recent election indicated the dangers of an electoral system which allows a determined minority to seize a national party label and appropriate electoral votes as the Thurmond forces did in Alabama and Tennessee. The Alabama voters were not able to ballot for a Truman-Barkley slate of electors, because the Thurmond faction took over the state Democratic organization in the primary and nominated pro-Thurmond electors. Although these electors ran under the traditional Democratic emblem, they cast their electoral votes for Thurmond. Malcolm C. Hill, a Tennessee elector appointed on the Democratic ticket, refused until after his selection in November to commit himself as to which candidate he would support in the college. When the chips were down, however, he cast his electoral vote for Truman. Another Democratic elector in Tennessee, Preston Parks, declared that he would cast his vote for

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[1] H. V. Ames, "Proposed Amendments to the Constitution," *H. Doc. 353*, Pt. 2, 54th Cong., 2nd sess., pp. 77–123; M. A. Musmanno, "Proposed Amendments to the Constitution," *H. Doc. 551*, 70th Cong., 2nd sess., pp. 44–51, 60–64; Charles C. Tansill, "Proposed Amendments to the Constitution, *S. Doc. 93*, 69th Cong., 1st sess., p. 143; Carl A. Loeffler, "Proposed Amendments to the Constitution," Senate miscellaneous publication, p. 111 [Y. 1.3:C76/4/926–47(1949)].

[1a] *S. J. Res. 2*, favorably reported by the Senate Committee on the Judiciary, *S. Rept. 602*, 81st Cong., 1st sess. *Cong. Rec.* (Daily), Vol. 96, pp. 854, 908–920, 971, 981–985, 987, 1087–1095, 1098–1101, 1108–1110, 1176–1191, 1289–1307. Forty-six Democrats and eighteen Republicans voted for the resolution; and four Democrats and twenty-three Republicans voted against it.

[2] Identical or almost identical resolutions offered in the House are *H. J. Res. 2* by Gossett (D., Tex.), *H. J. Res. 10* by Cannon (D., Mo.), *H. J. Res. 11* by Celler (D., N. Y.), *H. J. Res. 51* by Davis (R., Wisc.), *H. J. Res. 78* by Hays (D., Ark.), *H. J. Res. 81* by Johnson (R., Cal.), *H. J. Res. 82* by Priest (D., Tenn.), and *H. J. Res. 121* by Boggs (D., La.). *H. J. Res. 2* was reported favorably by the House Committee on the Judiciary, *H. Rept. 1011*, 81st Cong., 1st sess.

Thurmond if appointed to the electoral college. Parks redeemed his pledge despite his appointment on the Truman ticket.[3] A system which permits such maneuvering doubtless needs reform; but it does not necessarily follow that abolition of the electors is the proper remedy.

As Professor Wilmerding has pointed out, elimination of the electors would increase the possibility of electing a President of one party and a Vice President of another. Under the present system, each elector is "pledged" to the presidential and vice-presidential candidates of the same party. There is the possibility that, under the Lodge-Gossett plan, men of different parties would be elected to the presidential and vice-presidential posts.[4] This feature of the Lodge plan would have the merit of forcing the parties to give more careful consideration to the vice-presidential nomination. In any case, this alleged weakness could be overcome by amending the plan so that the voter could ballot only for the presidential and vice-presidential candidates of the same party.

Professor Wilmerding has also pointed out that there may actually be occasions when the electors serve a useful function. If, for example, the first choice of an elector's constituents has no chance of winning the Presidency, the elector may cast his vote for his constituents' known second choice. In 1912, many electors pledged to Theodore Roosevelt declared before the popular election that, if their candidate's cause should prove hopeless and if the contest turned out to be one between Wilson and Taft, they would cast their electoral votes for the latter. This function of the electors might be extremely important, because it is possible that in a three-party contest the candidate with the popular and electoral plurality would be unacceptable to the great majority of the people. Therefore, if the electors are to be eliminated, a method should be provided for determining the people's will when no presidential candidate receives a majority of the electoral vote.[5]

In any case, the situation presented in 1948 in Alabama and Tennessee can be remedied without abolition of the electors. The problem can be met by adoption of a constitutional amendment requiring the presidential electors to cast their ballots for the presidential and vice-presidential candidates of the party under whose emblem they are appointed. The amendment could even stipulate how the electors should cast their votes in case of the death of their party's presidential (or vice-presidential) candidate.[5a] It could also instruct the electors under what circumstances they could vote for their constituents' second choice for President if that second choice could be presumed as in 1912.

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[3] *New York Times*, Dec. 7, 14, and 16, 1948. An Alabama law (Act #386, approved July 7, 1945) instructing electors to cast their ballots for the nominees of the party's national convention was declared unconstitutional by the Alabama Supreme Court. *Op. of the Justices*, 34 So. 2d 598 (1948). The Alabama Supreme Court also refused injunctive relief to Adcock et al. who sought to compel the electors to cast their ballots for Truman. The Supreme Court of the United States refused to review the decision of the Alabama Supreme Court. *Adcock et al. v. Albritton et al.*, 335 U.S. 887 (1948). The Supreme Court of the United States also denied motions for leave to file petitions for injunction and mandamus. *Adcock et al. v. Albritton et al.*, 335 U.S. 882 (1948); *Folsom et al. v. Albritton et al.*, 335 U.S. 882 (1948).

[4] Lucius Wilmerding, Jr., "Reform of the Electoral System," *Political Science Quarterly*, Vol. 64, pp. 1, 17 (Mar., 1949).

[5] *Ibid.*, pp. 16–18, 20–21.

The second alteration provided for in the Lodge plan would make a plurality of forty percent—rather than a majority—of the electoral vote sufficient for election. If no person receives this percentage, the House and Senate, sitting in joint session and voting as individuals, shall choose a President from among the two candidates receiving the most electoral votes. A constitutional majority of the combined membership of the two houses shall be necessary for a choice. These provisions are a part of the so-called Lucas amendment which the Senate added to the Lodge resolution by a voice vote.

Under the original Lodge-Gossett plan, there was no provision for a congressional referendum. A mere plurality of the electoral vote was sufficient for election. In case of tie in the electoral count, the candidate with the popular plurality was to become the President. The purpose of this change was to eliminate the possibility of election by the House of Representatives, where all the states, regardless of population, have an equal voice. It is rather generally agreed that the system by which the President is elected in case no candidate receives an electoral majority stands in need of reform. In 1948, a shift of 3,554 votes in Ohio and 8,933 in California from Truman to Dewey would have thrown the election into the House, although Truman would still have had a popular margin of 2,122,849.[6] When the electoral vote was counted, twenty-one state delegations in the House were Democratic and presumably for Truman, twenty were Republican and probably would have supported Dewey, four were Dixiecrat-Democratic and can be assumed to have favored Thurmond, and three were evenly divided. Seven states, therefore, would have held the balance of power. Admittedly, such an electoral system could be improved; but this does not mean that changing the requirement from an electoral majority to an electoral plurality is the proper change.

The requirement of an electoral majority has the effect of compelling minorities to modify their extreme demands and to seek terms of accommodation with other groups to form parties capable of winning a majority of the electoral vote. This incentive to compromise would be eliminated if the majority requirement were removed. Moreover, as suggested previously, the candidate with the popular and electoral plurality in a multi-party contest may be wholly unacceptable to the great majority of the voters; and the requirement for a majority electoral vote reduces the possiblity of such a candidate's winning the Presidency. These were the considerations which led the Senate to adopt the Lucas amendment.[6a]

[5a] The Senate adopted an amendment proposed by Senator Lucas. Among other things, the amendment would empower Congress to provide by law for the case of the death of any persons from whom Congress may choose a President or Vice-President whenever the right of choice shall devolve upon Congress. *Cong. Rec.* (Daily), Vol. 96, p. 1304. Presumably this does not cover the case of a candidate who dies after receiving the requisite electoral vote. Such a case, it seems, would fall within the provisions of the Presidential Succession Act. 61 *Stat. L.* 380 (1947).

[6] These and all other calculations for the 1948 election, unless otherwise indicated, are the author's and are based on the statistics compiled by the Associated Press from the official canvassing boards in the forty-eight states. *New York Times*, Dec. 11, 1948.

This amendment eliminates the objectionable features of election by the House. It also has the merit —the Twentieth Amendment being in effect—of assuring the election of a President whose party affiliation would coincide with that of a majority in one, if not both houses of Congress.

The third change projected by the Lodge-Gossett plan would abolish the general ticket system, by which a candidate with the popular plurality in a state is credited with all of that state's electoral votes. Under the Lodge-Gossett plan, the electoral votes of each state would be apportioned among the candidates in exact ratio to the popular vote. In making these calculations, fractional numbers of less than one-thousandth are to be disregarded. In 1948, for example, Dewey polled 50.927 percent of the popular vote in Pennsylvania and received all of Pennsylvania's 35 electoral votes; but under the Lodge-Gossett formula he would have won only 17.824 electoral votes in Pennsylvania. Supporters of the proposal cite these and various other statistics to prove how inaccurately the electoral vote reflects the popular vote. They tell us, for example, that Mr. Truman with 49.5 percent of the popular vote received 57.1 percent of the electoral vote, whereas the Lodge formula would have given him only 48.6 percent of the electoral vote.[7] This, however, is only part of the picture.

The disparity between the electoral vote and the popular vote is not all due to the general ticket system. Actually three factors are responsible. First, the allocation of electoral votes among the states on the basis of congressional representation magnifies the electoral power of the small states. In 1948, the nine most populous states having 51 percent of the population received only 18 of the 96 electors based on representation in the Senate while the other 39 states received 78. To put it another way, one electoral vote in California represented 395,040 people in contrast to one of Nevada's electoral votes which represented 46,667 people.[8]

The second cause for discrepancy between the popular vote and the electoral vote is the assignment of electoral votes to the states without regard to the popular vote. In 1948, for example, one electoral vote in California represented 160,862 popular votes whereas one electoral vote in South Carolina represented 17,821 popular votes.

[6a] *Cong. Rec.* (Daily), Vol. 96, pp. 1180–1191, 1289–1307. The House minority report suggested requiring an electoral plurality of 35 percent. *Op. cit.*, p. 27. Senator Ferguson suggested in his minority report that provision should be made for election by a joint session of Congress—voting as individuals and not as states—in case no candidate received the required number of electoral votes. *S. Rept. 602*, Pt. 2, 81st Cong., 1st sess., p. 2.

[7] Joseph E. Kallenbach, "Presidential Election Reform," *Cong. Rec.* (Daily), Vol. 95, pp. 4531–4536, n. 27 (Apr. 13, 1949). Statistics of a similar kind can be found throughout *Hearings* before a Subcommittee on the Judiciary, United States Senate, 81st Cong., 1st sess., on *S. J. Res. 2;* and *Hearings* before Subcommittee No. 1 of the Committee on the Judiciary, House of Representatives, 81st Cong., 1st sess., on *H. J. Res. 2* (serial 3).

[8] Calculations based on United States Bureau of Census estimate of population, July 1, 1947. Of course, considerable shifts of population have taken place since the census of 1940. *Information Please Almanac 1948* (New York, 1947), p. 266.

The third cause of variance between the popular vote and the electoral vote is the general ticket system. The paradoxical aspect of the whole matter is that, with our sectional pattern of politics and our forty-eight different sets of suffrage qualifications, the general ticket system tends in *Republican years* to correct the disparity caused by magnifying the electoral power of the states in which the popular vote is small. The Lodge proposal would abolish the general ticket system without doing anything to correct the other two causes of deviation between the popular vote and the electoral vote. Advocates of electoral reform have correctly stated that an attempt to reduce the electoral power of the small states and to force the Solid South to extend the franchise or to give up electoral power would insure defeat for any reform of the electoral college.[9] It is submitted, however, that the general ticket system should not be abolished unless something is also done to reduce the electoral power of the states in which the popular vote is small.

Those who asked for adoption of the plan before the House and Senate subcommittees on the Judiciary stated time and again that the general ticket system denied the Presidency to the candidate with the most popular votes in 1824, 1876, and 1888. These three cases, as well as a number of others, require examination.

The election of 1824 actually proves nothing about the general ticket system. There is no way of proving that Jackson was the popular choice, because no popular votes were cast in six of the twenty-four states. Jackson was not defeated by the general ticket system but by the constitutional requirement that one must receive a majority of the electoral vote in order to be elected.[9a]

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[9] In 1948, for example, if the election had been determined by the nation-wide popular vote regardless of state lines, 17 states would have had their relative strength increased, and 31 states would have had their relative strength decreased. California would have had her voice in electing the President increased 75.47%, Illinois (55.21%), Massachusetts (43.68%), New York (43.37%), Indiana (38.97%), New Jersey (32.92%), Ohio (28.10%), Washington (23.36%), Michigan (21.13%), Minnesota (20.17%), Connecticut (19.24%), Pennsylvania (16.42%), Wisconsin (16.06%), Missouri (14.80%), Iowa (13.22%), Kansas (7.50%), and West Virginia (2.06%). The following states would have had their voice in choosing the President decreased: *South Carolina* (80.56%), *Alabama* (78.67%) Nevada (77.35%), *Mississippi* (76.70%), *Arkansas* (70.62%), Wyoming (63.19%), *Georgia* (61.95%), *Virginia* (58.45%), Vermont (55.22%), *Louisiana* (54.59%), Arizona (51.66%), *Tennessee* (50%), Delaware (49.38%), New Mexico (49%), *Texas* (45.58%), Maine (42.25%), Idaho (41.43%), North Dakota (39.84%), Montana (38.78%), *North Carolina* (38.38%), New Hampshire (36.92%), South Dakota (31.74%), Utah (24.57%), Oklahoma (21 30%), *Florida* (21.23%), Maryland (18.65%), Kentucky (18.44%), Nebraska (11.15%), Rhode Island (11.02%), Colorado (6.37%), and Oregon (4.69%).

These figures indicate that a constitutional amendment making electoral strength proportional to popular vote could not secure ratification in the requisite 36 states.

[9a] Jackson received only 37.9 percent of the electoral vote. Thus, under the Lucas amendment, the choice of a President would have devolved upon Congress.

Furthermore, the general ticket system was not used in six of the eighteen states in which popular elections were held. In any case, Jackson won 10.209 *more*, and Adams received 14.014 *fewer*, electoral votes under the system used than they would have received under the Lodge formula.[10] If the Lodge formula had been in operation and if each candidate is conceded the electoral votes he received by legislative appointment, *Adams* would have had a margin of 9.223 electoral votes. If the Lucas amendment had also been in effect, however, Adams might not have won the Presidency. He would have had less than 40 percent of the electoral vote, and a joint session of Congress—voting as individuals—would have chosen the President.[10a]

Similarly, the election of 1876 does not prove much about the general ticket system. Fraud and violence attended the popular polling in both North and South. The methods by which Tilden won a popular plurality are not above reproach. In the last analysis, he was defeated, not because of the general ticket system, but because a fifteen-man electoral commission gave the Presidency to Hayes by a vote of eight Republicans to seven Democrats. The facts seem to indicate that Hayes would have won a *free* popular election, but an honest count of the votes actually cast would have given the Presidency to Tilden.[11] Probably the most that can be said for the Lodge formula in this connection is that it would have permitted Tilden's spurious plurality to have won the Presidency for him. In any case, the Lodge proposal is no guarantee against disputed election returns. Indeed, the operation of the Lodge plan in a close contest would likely increase the possibility of contested returns.[12]

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[10] Electors were appointed by the legislature in New York, Delaware, South Carolina, Georgia, Vermont, and Louisiana. Electors were chosen by popular vote *in districts* in Maryland, Kentucky, Tennessee, Illinois, Maine, and Missouri. In other words, the general ticket system was used in only twelve states. *Historical Statistics of the United States* (Washington, 1949), p. 288. In any case, Jackson only polled 43 per cent of the popular vote, and his plurality was only 44,804. *Ibid.*, p. 290. At the time these computations were made, the Lodge plan provided that calculations were to be carried to three decimal places "unless a more detailed calculation would change the result of the election." Consequently, these computations were carried to five decimal places. Later the Senate adopted an amendment limiting calculations to three decimal places. In this case, however, the two extra decimal places make no material difference.

[10a] The votes in the House were 87 for Adams, 71 for Jackson, and 54 for Clay. It is nothing more than optimistic speculation to assume that the 54 votes for Clay and the 48 senatorial votes would have been cast so as to have given Jackson the requisite 131 votes.

[11] Paul L. Haworth, *The Hayes-Tilden Disputed Presidential Election of 1876* (Cleveland, 1906); U.S. Electoral Commission, *The Electoral Count of 1877* (Washington, 1877). Not only was there no popular vote in Colorado because the electors were appointed by the legislature, but also there was so much fraud that nobody can determine exactly what percentage of the popular vote each candidate had. No official count of the popular vote was made. According to the Democratic count, Tilden had a plurality of 264,292; but according to the Republican count, his plurality was only 252,224. Application of the Lodge formula to the Democratic count would give him a margin of 11.2 electoral votes; and under the Republican count he would have had a margin of 10.5 electoral votes. For the two counts, see Edward Stanwood, *A History of the Presidency* (Boston, 1904), Vol. 1, p. 383.

[12] Elections would become closer contests as a result of dividing the electoral vote in

Critics of the general ticket system are on more solid ground when they cite the election of 1888. If the Lodge-Gossett plan had been effective and if its operation had not altered America's voting habits, Grover Cleveland's popular margin of 95,713 would have taken him to the Presidency.[13] In two, and perhaps three, other elections, however, the Lodge formula would have defeated the candidate with the popular plurality. In 1880, Garfield won 7,618 more popular votes than General Hancock, his Democratic rival; but the latter would have become the President by a margin of 6.8 electoral votes.[14] In the election of 1896, McKinley polled 50.9 percent of the popular vote in contrast to Bryan's 46.8 percent, yet McKinley would have snatched defeat from victory by a margin of 6.0 electoral votes.[15] The presidential race of 1900 most likely would have been a disputed election; and extended mathematical calculations might have put Bryan in the White House, despite McKinley's popular majority and margin of 861,759. Incidentally this was the greatest popular margin of any presidential candidate up to that time.[16] Application of some

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each state. For example, in the election of 1908, the electoral vote margin would have been 3.9; in the election of 1900, there probably would have been a margin of about 0.1 electoral votes. *Hearings on H. J. Res. 2, op. cit.*, p. 99. Moreover, this would make a few hundred popular votes, properly distributed, the determinant of the outcome. See n. 16, below.

[13] According to calculations prepared by the Legislative Reference Service of the Library of Congress, Cleveland would have garnered 202.9 electoral votes instead of 168, and Harrison would have received only 185.8 instead of 233. *Hearings on H. J. Res. 2, op. cit.*, p. 99.

[14] Republicans: popular vote, 4,449,653 or 48.3 percent; electoral vote, 214; electoral vote under Lodge formula, 175.1. Democrats: popular vote, 4,442,035 or 48.2 percent; electoral vote, 155; electoral vote under Lodge formula, 181.9. *Ibid.*, p. 99.

[15] Republicans: popular vote 7,035,638; electoral vote 271; electoral vote under Lodge formula, 215.3. Democrats: popular vote, 6,467,946; electoral vote 176; electoral vote under Lodge formula, 221.3. *Ibid.*, p. 99.

[16] According to the calculations of the Legislative Reference Service, McKinley would have had a margin of one-tenth of an electoral vote. Republicans: popular vote, 7,219,530 or 51.7 percent; electoral vote 292; electoral vote under Lodge formula, 217.3. Democrats: popular vote, 6,358,071 or 45.5 percent; electoral vote, 155; electoral vote under Lodge formula, 217.2. *Ibid.*, p. 99.

According to the author's calculations based on statistics in the *Statistical Abstract of the United States 1908*, p. 42, which seem to be the same statistics used by the Legislative Reference Service, McKinley would have had a pluraltiy of 0.192 electoral votes.

According to Senator Taft's calculations, Bryan would have had a plurality of 4.3 electoral votes. The statistics on which Taft based his computations are as follows: Republicans' popular vote of 52.8 percent and a plurality of 861,000; Democrats' popular vote of 47.2 percent. *Cong. Rec.* (Daily), Vol. 96, pp. 1298, 1300–1301.

A shift of 100 votes from McKinley to Bryan in each of the eleven states of the solid South and in Kentucky would have given Bryan a margin of .002 electoral votes (author's calculations based on statistics in the *Statistical Abstract of the United States 1908*, p. 42). Yet McKinley would still have had a popular margin of 859,059 and an absolute majority of 51.69 percent. Election returns will actually vary by several thousand votes as recounts and more careful calculations progress. For example, according to the *New York Times* compilation for the 1948 election (*op. cit.*), Truman had a plurality of 2,135,336. But according to returns corrected to January 29, 1949, his plurality had increased by 1,189 (*H. Rept., op. cit.*, pp. 14–15). Certainly, these figures suggest that the Lodge formula would give rise to contested returns in a close election.

elementary statistical methods to actual election returns indicates that these three cases are not mere accidents and that the Lodge-Gossett plan would operate to the advantage of the Democrats and to the disadvantage of the Republicans as long as the South remains relatively solid and southern suffrage remains limited.

The difference between the percent electoral vote under the Lodge formula and the percent popular vote for the two parties is instructive:

TABLE I

Year	Democratic Party			Republican Party		
	Percent of electoral vote under Lodge plan	Percent of popular vote	Deviation	Percent of electoral vote under Lodge plan	Percent of popular vote	Deviation
1880	49.295	48.225	+1.070	47.453	48.308	−0.855
1884	50.000	48.842	+1.158	47.307	48.215	−0.908
1888	50.599	48.658	+1.941	46.334	47.817	−1.483
1892	45.653	46.119	−0.466	41.937	43.100	−1.163
1896	49.508	46.824	+2.684	48.166	50.934	−2.768
1900	48.591	45.530	+3.061	48.613	51.699	−3.086
1904	37.605	37.597	+0.008	56.408	56.412	−0.004
1908	46.977	43.051	+3.926	47.785	51.581	−3.796
1912	46.460	41.821	+4.639	21.450	23.178	−1.728
1916	53.540	49.265	+4.275	41.827	46.058	−4.231
1920	40.038	34.666	+5.372	56.478	61.237	−4.759
1924	36.045	28.828	+7.217	48.738	54.054	−5.316
1928	43.616	40.793	+2.823	54.972	58.110	−3.138
1932	61.695	57.411	+4.284	35.706	39.651	−3.945
1936	64.087	60.194	+3.893	33.070	36.539	−3.469
1940	58.380	53.847	+4.533	40.414	44.770	−4.356
1944	55.499	51.644	+3.855	42.147	45.869	−3.722
1948	49.190	49.363	−0.173	41.902	44.988	−3.086

It will be noticed that the Democrats would have had a plus deviation in sixteen of the eighteen elections and the Republicans would have had a consistent minus deviation. The average Democratic deviation for the period would be +3.006, whereas the average Republican deviation would be −2.879. In other words, on a nation-wide basis, the Lodge formula would have consistently given the Democrats a greater electoral vote and the Republicans a smaller electoral vote than they were entitled to by their percentage of the popular vote.[17] In summary, the Lodge formula would reduce the possibility of a Republican's reaching the Presidency even with a popular plurality, but would enable a Democrat to salvage victory from popular defeat.

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[17] The author's calculations based on the statistics used by the Legislative Reference Service, *Hearings on H. J. Res. 2*, *op. cit.*, p. 99. It will be noticed that the author used the electoral vote calculations of the Legislative Reference Service for the election of 1900.

The Democratic advantage and the Republican disadvantage under the Lodge plan should not be attributed to the magnified electoral power of the small states which results from giving the constant two electoral votes to all states and from giving one additional elector to Delaware, Nevada, and Wyoming, which do not always have the population quota requisite for the election of one Representative in all other states. If this were the cause, one could expect the Democratic deviation to increase in proportion to the number of states carried under the Lodge formula. Actually the correlation is so small as to indicate neither a direct nor an inverse proportion between the Democratic deviation and the number of states carried under the Lodge plan.[18]

The Lodge formula would redound to the advantage of the Democrats and to the disadvantage of the Republicans because the Democratic stronghold is in the South, where a relatively few popular votes will win an electoral vote. The Republicans, on the other hand, must seek their electoral votes in the other states, where more popular votes are necessary to win an electoral vote. It will be noticed that the Democratic advantage under the Lodge formula varies directly with the solidness of the South and/or inversely with popular participation in that area. In other words, the more solid the South and the more Southerners who do not vote in the popular election, the more the Lodge formula will magnify the strength of the Democrats:

TABLE II

Year	Democratic advantage (taken from Table I)	Solidness of South[19]	Southern popular participation relative to rest of country[20]	Year	Democratic advantage (taken from Table I)	Solidness of South[19]	Southern popualr participation relative to rest of country[20]
1892	−0.466	61.47	70.31	1944	+3.855	73.66	41.28
1948	−0.173	45.03	43.91	1936	+3.893	83.07	39.18
1904	+0.008	70.33	40.43	1908	+3.926	68.02	42.88
1880	+1.070	59.75	75.74	1916	+4.275	74.73	42.54
1884	+1.158	61.41	73.92	1932	+4.284	83.27	40.66
1888	+1.941	63.45	69.33	1940	+4.533	80.44	40.18
1896	+2.684	66.33	65.58	1912	+4.639	70.94	43.19
1928	+2.823	57.18	38.62	1920	+5.372	67.55	41.22
1900	+3.061	66.27	53.76	1924	+7.217	70.36	36.63

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[18] For the Democrats, the rank-difference coefficient of correlation is positive .114; for the Republicans, the rank-difference coefficient of correlation is negative .063, which is so small that it could not possibly account for the Republican disadvantage.

[19] The calculations in Table II are based on statistics in the following sources: Stanwood, *op. cit.*, Vol. 1, pp. 417, 448; and the *Statistical Abstracts of the United States, 1912*

The Democrats would have suffered a disadvantage under the Lodge formula only in 1892, when the Populists polled a sizeable part of a relatively large popular vote in the South,[21] and in 1948, when the Dixiecrats invaded Southern Democracy. It is enlightening to see the deviation between the percent electoral vote under the Lodge formula and the percent popular vote for a period when the South was not solid:

(pp. 727–735), 1917 (pp. 698, 702), 1920 (pp. 758, 762), 1924 (pp. 141–142), 1928 (pp. 166–167), 1933 (pp. 155–156), 1937 (pp. 159–160), 1941 (pp. 174–175), 1944–45 (pp. 251, 253). The "solidness of the South" is an *average* percentage of the popular vote polled by the Democrats in the eleven states, weighting each state according to its electoral vote. This method was used because it makes a great difference, for example, whether the Democrats poll 90 percent of the popular vote in a state with three electoral votes or in a state with twenty electoral votes. Of course, the eleven states of the Solid South are: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia.

The rank-difference coefficient of correlation between the solidness of the South and the Democratic advantage under the Lodge formula is .680.

[20] Popular participation in the South in relation to popular participation in the rest of the country is measured in terms of the relation between the percent of the national popular vote polled in the South and the percent of the total electoral vote cast by the South. In 1928, for example, the South cast 23.729 percent of the electoral vote (126 out of 531); but only 9.164 percent of the nation-wide popular vote was polled in the South. Of course, 9.164 is *38.619 percent* of 23.729. Thus popular participation of that year was figured as 38.619 percent. In other words, if the election had been determined by the nation-wide popular vote, the South would have had only 38.619 percent of the voice which the eleven states actually had in electing the President. It will be noted that the low popular participation that year partially offset the lack of southern solidarity.

The rank-difference coefficient of correlation between the Democratic advantage under the Lodge formula and popular participation in the South is negative .587; the coefficient of multiple correlation between Democratic advantage and solidness of the South and popular participation in the South ($R_{1.23}$) is .701.

[21] The Democratic disadvantage in 1892 cannot be explained entirely by the relatively high popular vote in the South and the relative lack of southern solidarity. Another important factor was the Populist invasion of Democratic strength in the small western states which are over-represented in the electoral college:

State	*Electoral Votes*	*Percentage of the Popular Vote*		
		Republican	*Democratic*	*Populist*
Colorado	4	41.1	—	57.1
Idaho	3	44.9	(2 votes)	53.7
Montana	3	42.5	39.7	16.6
Nevada	3	25.8	6.6	66.8
North Dakota	3	48.5	—	49.0
Oregon	4	44.6	18.1	34.4
South Dakota	4	49.5	12.9	37.6
Washington	4	41.5	33.8	21.7
Wyoming	3	50.6	—	46.2

Calculations based on election returns in the *Statistical Abstract of the United States 1912*, pp. 728, 735.

TABLE III

	Democratic Party			Republican Party		
Year	Percent of electoral vote under Lodge plan	Percent of popular vote	Deviation	Percent of electoral vote under Lodge plan	Percent of popular vote	Deviation
1864	44.292	44.940	−0.648	55.708	55.060	+0.648
1868	45.986	47.332	−1.346	54.014	52.668	+1.346
1872	43.470	43.823	−0.353	56.011	55.621	+0.390
1876	50.976(?)	50.933(?)	+0.043	47.995(?)	47.951(?)	+0.044

The South did not participate in the election of 1864 and participated in only a limited way in the other three elections. In 1868, 1872, and 1876, the reconstruction regimes enforced a Republican-Democratic-two-party system with varying degrees of success. In these four elections, the average Republican deviation would have been +0.607 and the Democratic deviation would have been −0.576.[22]

The reason for these deviations can be clearly shown by inspecting the results of the 1948 election. In the eleven states of the Solid South one electoral vote represented 40,260 popular votes, while in the other thirty-seven states one electoral vote represented 107,840. The civil rights question decreased Democratic strength in the South but did not add much to the Republican vote. The principal beneficiaries of Democratic reverses were the Dixiecrats, who carried states in which the popular vote was low. Actually they won an electoral vote for every 29,982 popular votes. In spite of Democratic losses, Truman still would have captured 57.18 of the South's 127 electoral votes under the Lodge formula, and the Republicans would have won only 30.35, giving the Democrats a lead of 26.83 electoral votes in that area. This lead represented a popular margin of 1,194,700. To win 26.83 electoral votes outside the South in order to overcome Truman's southern lead, Dewey would have had to poll a popular margin in the North of approximately 2,893,347. Dewey's necessary popular margin would vary slightly, of course, depending on his success in the small states in relation to his success in the large states.[22a]

In those elections in which the South is more solid than it was in 1948, the Republican handicap under the Lodge formula would be much greater. In 1932, for example, if the Lodge plan had been effective, if the total popular vote had remained constant, and if the distribution of the popular vote between the two parties in the South had remained the same, Hoover could not have won the election without a popular plurality of approximately 5,417,870. That year each electoral vote in the South represented 30,381 popular votes. Under the Lodge formula, Roosevelt's popular margin of 2,250,887 in the South would have given him 103.26 electoral votes to Hoover's 19.87. In the South, Roosevelt would have had a margin of 83.39 electoral votes. In order to win 83.39 electoral votes in the other thirty-seven states, where each electoral vote represented 88,365 popular votes, Hoover would have had to poll a popular plurality of approximately 7,668,757 or an overall North-South plurality of 5,417,870. In other words, Hoover could have had a popular plurality of more than five million and been defeated in the electoral count.[23]

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[22] See n. 17, *supra*. The author used the statistics of the Legislative Reference Service for the election of 1876.

[22a] Calculations carried to five decimal places.

Senator Lodge has stated that he does not understand how the Lodge-Gossett formula would harm the Republican Party since the formula would have given the Republican candidate more electoral votes than he actually received in 1948.[24] Of course, the formula would also have given the Republican candidate more electoral votes in 1932, 1936, 1940, and 1944; but the significant question is not whether the Lodge formula would enlarge the electoral vote of the party which would lose the election in any event. The real question is how the Lodge plan would affect the electoral vote of the party which polled the popular plurality. As has been shown, the formula would endanger a Republican electoral plurality in years when the Republican Party actually won a popular plurality.

On several occasions Senator Lodge has said that it is incorrect to apply his formula to the statistics of past elections because the adoption of his plan would change America's voting habits. In particular, he thinks the South would be blessed with a Republican-Democratic-two-party system. He believes Republicans would come to the polls because their efforts would no longer be futile and Democrats would come to the polls because their votes would no longer be superfluous.[25] There is a possibility that this prophecy would prove true; but what is the probability? The voting pattern of the South has been remarkably uniform ever since the demise of the reconstruction regimes. Even if one compares the primary vote in the South to the general election vote in the other thirty-seven states, the number of Southerners going to the polls is relatively low. As a matter of fact, in the South as a whole participation in a *presidential* election is usually greater than participation in the largest primaries.[25a] And where will Republican votes come from in the South? To expect such miraculous results from mere electoral reform is attaching too little importnace to historical, social, economic, and political factors.

The first possible source of Republican strength in the South is the uncertain number of disfranchised. The Republicans have no power in southern legislatures to enlarge the electorate. As a matter of fact, Republican popularity among the disfranchised might induce southern Democratic legislatures to tighten suffrage qualifications.[26] In any case, southern Democracy met the Populist challenge with a program of systematic disfranchisement through literacy tests and cumulative poll taxes.[27] That the northern states would retaliate seems unlikely; but if they did not, a northern electoral vote would continue to stand for several times as many popular votes as would be represented by a southern electoral vote. If the North did retaliate, as Professor Hermens of Notre Dame University told the Senate subcommittee, one of the most unhealthy rivalries in American history would result.[28]

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[23] The author's calculation is based on the statistics in Edgar Eugene Robinson, *They Voted for Roosevelt* (Stanford, 1947), pp. 42–46. The popular vote in this hypothetical case is as follows: Roosevelt, 41.7%; Hoover, 55.4%; others, 2.4%.

[24] *Hearings on S. J. Res. 2, op. cit.*, p. 88.

[25] *Ibid.*, pp. 8–9, 71–90; *Cong. Rec.* (Daily), Vol. 95, pp. 2946–2951 (Mar. 22, 1949).

The second possible source of Republican strength in the South is among those who now disfranchise themselves by staying away from the polls. Republican appeal to southern conservatives would endanger its liberal and Negro support in all forty-eight states. Appeal to southern Negroes and liberals would alienate those southern conservatives to whom Republican economic and fiscal policy is most likely to appeal. Adoption of the Lodge-Gossett proposal would probably mean that, in years when the Republicans can win sufficient popular support outside the South to give them a national plurality in the popular vote, they would trade large blocks of electoral votes in the North for insignificant numbers in the South. This, in turn, would mean that the Republicans

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[25a] For example:

State	Total votes for single office receiving highest state-wide vote in 1942 primaries		Total vote for presidential electors	
			1940	1944
Alabama	(Governor)	279,454	294,219	244,743
Arkansas	(Atty. Gen.)	228,414	200,743	212,954
Florida	(U. S. Represent.)	258,668	485,492	482,592
Georgia	(Governor)	301,686	312,539	328,111
Louisiana	(U. S. Senator)	321,041	372,305	349,383
Mississippi	(U. S. Senator)	133,449	175,824	180,080
North Carolina	(U. S. Senator)	320,755	822,648	790,554
South Carolina	(U. S. Senator)	234,942	99,830	103,375
Tennessee	(Governor)	297,197	522,823	510,792
Texas	(U. S. Senator)	983,512	1,041,168	1,150,330
Virginia	(U. S. Represent.)	41,318	346,607	388,485
TOTALS		3,400,436	4,674,198	4,741,399

Source: *Statistical Abstract of the United States 1943*, pp. 234, 237; *ibid.*, 1944–45, pp. 251, 257.

[26] On this point, see the minority report on *H. J. Res. 2, op. cit.*, pp. 28–29.

[27] Wilfred E. Binkley, *American Political Parties* (New York, 1943), p. 317.

[28] *Hearings on S. J. Res. 2, op. cit.*, p. 209.

would have to roll up enormous popular pluralities in the North to capture the Presidency, whereas the Democrats who only placed in the popular race could win in the electoral count.

More than the fate of the Republican Party is involved. The operation of a democratic party system, in contrast to a Democratic Party system, depends on the existence of an opposition which has a reasonable chance of winning control of the executive. To make it virtually impossible for the Republicans to win the Presidency even when they poll substantial pluralities or even majorities is to render the Republican Party ineffective as a counterpoise. If the Republicans could remain sufficiently alive under such a system to win control of Congress, at least the Lodge-Gossett plan would increase the possibility that the Republican Congress would be saddled with a Democratic President.

The elimination of electors and the reform of the system by which a President is chosen when no candidate receives the required number of electoral votes are doubtless desirable changes. If the electoral votes are to be divided in each state, the reduction of the electoral requirement from a majority to forty percent is necessary. Otherwise, most Presidents would probably be elected by a joint session of Congress. But this reduction and the division of a state's electoral votes would have more far-reaching consequences than is generally realized.

PATHOLOGY OF DEMOCRACY IN LATIN AMERICA*

INTRODUCTION

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There is, of course, nothing new about ventures in pathological studies of politics. Our own history and that of many other peoples have abounded in them and these studies have exhibited extremes of variation in quality of evidence, intensity of purpose, and value of prescribed remedies. It would require but a slight effort of imagination to evoke the shades of a long line of observers, critics, reformers, muckrakers, and planners. The tribe of those who will not allow the "sinners of the world, as Pharisees, to close their eyes to their own defects" grows with time. It matters little whether or not we think the practice always is as it should be. It is likely to continue.

We might claim as a justification of and as a platform for this symposium the presidential address delivered to this Association one year ago on the topic of "Pathological Problems in Politics,"[1] in which President Spencer analyzed many pathological symptoms and troubles of both our Association and our country. In one place he said, "What we need is the scientist's cool vision of reality . . . "; in another, "These pathological factors call for courageous dealing"; and in still another, "let not America threaten the otherwise-minded, or insist on all men's thinking our thoughts after our manner; or condition our cooperative aid upon Britain's and the others' abandoning the socialism, or social democracy, or Christian democracy, or whatever it is, that suits their condition of mind and of economy."

As we turn to the peoples of Latin America, we may safely reflect that they, too, have had political pathologists—with no less than Bolívar among the first, and including among others such well-known names as Sarmiento, Genaro García, Argüedas, Bunge, Ingenieros, Colmo, and Mendieta—with diagnosis, therapeutics, and surgery featuring a "sickness" literature. It may also be remembered that Latin American writers have written pathological studies and expressed pathological prognoses and diagnoses about the United States.

The plan in this series of papers is to offer in the form of a symposium the the points of view of a historian, a political scientist, an economist, and a sociologist. The participants have written with frankness and sincerity—without which this series would be futile; they have also written objectively without conscious assumptions of superiority for the so-called democracy of the United States. Each of the principals is a friend of the Latin American countries and peoples.

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* Shorter versions of the following papers were read and discussed at a section meeting of the American Political Science Association, December 28, 1949. Additional copies of this Symposium may be procured at $0.50 per copy from the Secretary-Treasurer of the Association.

[1] Presidential address before the American Political Science Association at its 44th Annual Meeting, December 28, 1948, REVIEW, Vol. 43, pp. 1–16 (Feb., 1949).

One comment should be made in fairness to the participants. They are sensitively aware that many of the conditions described and analyzed in their papers vary sharply and significantly between, and in respect of some within, the several countries. They have not in the space allotted to them been able to allude to nor to explain the nature and incidence of these variations. An expanded treatment would doubtless lead to statements of specific geographic and national identification of such conditions and to detailed exceptions to general observations.

Several of the participants were troubled by the title of the symposium and especially by the need for a usable definition of democracy. The problem of terminological obscurity with reference to this term is probably not subject to resolution at this time, if ever. The word democracy is not static, but perhaps indefinitely extensible in meaning. There is the possibility that the opinions and platforms of the opposition to the democracy of one generation may be absorbed and incorporated into the official dogma of the democracy of another. Undoubtedly, many anomalies have been reconciled with democracy. Those who would seek stability in government and society, the maintenance and preservation of a favored "way of life," and "timeless values of universal application" would probably be disposed to find in the unrestricted extensibility of the meaning of democracy a special case of pathology of democracy everywhere.

A HISTORIAN'S POINT OF VIEW

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I

Some years ago, Harold J. Laski sketched the modern evolution of the democratic idea in terms which are still valid today for Latin America, as well as for other parts of the world.[1] The three main points which were developed by Laski were, first, that while the essence of the democratic idea is equality, nineteenth-century democrats made liberty their first goal on the assumption that equality would follow, once liberty was achieved; second, that when experience proved this to be a mistaken assumption, the twentieth century shifted the emphasis back to equality and sought to achieve it even at the expense of liberty; and third, that this shift was accompanied by a broadening of the democratic idea, which ceased to be essentially political and became economic and social as well. Laski's generalizations provide a good framework for the history of democratic thought in Latin America. Their validity for this purpose is indicated by the fact that the details of his historical sketch, which he drew almost exclusively from the history of Europe, might have been drawn equally well from the history of Latin America.

The continuity of foreign influence upon political thought in Latin America should be stressed, for it is too often forgotten or ignored. The common impression is that, after being held incommunicado for three centuries in the darkness of their colonial dungeon, the Latin Americans suddenly emerged into the noon-day glare of the revolutionary thought of France, England, and the United States, and were blinded by it; that almost immediately they were again cut off from the outside world and plunged back into darkness by the outbreak of alternating despotism and anarchy which afflicted most of the new states as soon as their independence was assured; and that only in the present century have they renewed contact with the outside world on a large scale and begun to catch up with liberal thought in the more advanced countries.

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[1] "Democracy," *Encyclopaedia of the Social Sciences*, Vol. 3, pp. 76–84.

Actually, as Silvio Zavala[2] has demonstrated, even in the colonial period Spanish America maintained a strong liberal tradition, which was mainly Spanish but also more broadly European and which provided one of the foundations for the democratic movement since independence. As others have shown, the European revolutions of 1848, particularly the French, had profound repercussions throughout Latin America. In the latter half of that century, as we shall see, positivism played an important part in re-orienting Latin American thought about the problems of democracy. And it is general knowledge that the United States, too, continued to influence the political thought of Latin America during the supposedly dark age between the end of the wars of independence and the close of the nineteenth century—witness the large-scale borrowings from this country in the Argentine Constitution of 1853 and in the Brazilian Constitution of 1891.

To be sure, there was never an absolute identity between democratic thought in Latin America, on the one hand, and the United States or Europe, on the other. Thus, de Tocqueville, who made a strong impact upon the thought of his time in the United States and Europe, was almost completely ignored in Latin America, whereas his contemporary and rival, Lamartine, enjoyed a vogue in Latin America that had no faintest counterpart in the United States. Again, when James Bryce visited South America early in the present century, he was pained to learn that "the European books most popular among the few who approach abstract subjects are those of Mr. Herbert Spencer" and that "those few are unwilling to believe that he is not deemed in his own country to be a great philosopher."[3]

Yet the fact remains that in its thought on political subjects, including democracy, Latin America has always followed the major trends in Europe and the United States. The only exceptions of any note have been occasional romantic essays in Indianism, which have not produced any major alterations in the political thinking of a single country. These facts have been understood by the observers who have at various times written about what we are calling the pathology of democracy in Latin America. The concept of pathology presupposes a norm, and Latin Americans took as their norm the democratic ideals and performances of Western Europe and the United States. As both norms and diagnoses changed with the passage of time, it may help to review some of the principal stages in their development.

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[2] Silvio Zavala, *La filosofía política en la conquista de América* (Mexico, 1947).

[3] James Bryce, *South America; Observations and Impressions* (New York, 1923), p. 581, n. 1.

II

Let us begin with that eminent pathologist Simón Bolívar. His testimony is important because he was for two decades an eminent practitioner of politics in several South American countries; because of the broad social range of his diagnosis, which led García Calderón to call him "the first sociologist of these romantic [Latin American] democracies"; and because of the vogue his ideas still enjoy in certain circles.

Bolívar's diagnosis was pessimistic in the extreme. His belief that his fellow Latin Americans were unfit for self-government amounted to an obsession. Over a period of twenty years he examined every nook and cranny of the social structure for proof that he was right; and he found it everywhere. "For centuries we were political ciphers [under Spain's rule]; our condition was even lower than slavery," he asserted in his famous Jamaica letter of 1815. "That is why it is so hard for us to rise to the enjoyment of freedom. In everything that concerned public affairs, we were left in perpetual infancy. . . . Events have already shown that completely representative institutions are not suited to our present character, habits and education, [conocimientos]. . . . As long as our fellow citizens do not acquire the talents and virtues which distinguish our brothers to the north [i.e., in the United States], a system of government by the masses, far from being good for us, will bring ruin upon us. Unfortunately, we seem to be far from possessing these traits. . . . We are ruled by the vices which are inevitably formed under the rule of a nation like Spain, which has always been noted for its fierceness, ambition, vengefulness and greed." He saw still other bars to democracy—such as racial heterogeneity, poverty, and personalism—but most of these, too, he regarded as bitter fruits of the heritage from Spain.

This gloomy view was based upon the first five years of the Spanish American effort at self-government, and Bolívar recognized that it was still too early to speak with certainty. But subsequent experience confirmed and deepened his pessimism, and twelve years later he recorded the conviction that the people of Latin America were unfit, not only for republican government, but for constitutional government of any kind.

If Bolívar's diagnosis is suspect on the ground that he was rationalizing his Napoleonic lust for power, consider the one offered by the great Argentine statesman and schoolteacher-president, Domingo Faustino Sarmiento, whose devotion to democracy is not open to suspicion. Generalizing from the experience of his own country, which accepted for two decades the domination of the tyrant Rosas, he declared that "an ignorant people will always elect a Rosas." Ignorance, which he equated with illiteracy, was therefore in his mind the chief obstacle to democracy in Spanish America; but there were two other formidable obstacles which were closely related to it, namely, the low standard of living and what he called the Spanish "racial" heritage. His diagnosis thus resembled

Bolívar's in some important respects. Sarmiento was, however, far more hopeful of effecting a cure, though he recognized that this would be a long and painful process, since his diagnosis meant that Spanish America would have to be revolutionized culturally, economically and socially before democracy could thrive.

Recognition of this fact led some of Sarmiento's less sanguine contemporaries, such as Alberdi, the so-called Edmund Burke of Latin America, and the "burgeois socialist" Echeverría, to the conclusion that the ills of democracy in Latin America were due not only to the character of its people, but also to the faulty definition and technique of democracy which Latin American liberals of the first generation had accepted on faith from their doctrinaire European mentors. The greatest mistake, said Echeverría, had been in "giving votes and arms to the common man, thus putting the destiny of the whole country at the mercy of the masses." "So long as you let the populace decide," said Alberdi, "the populace will always elect children who mouth pretty phrases."[4] This restatement of the problem in terms of conservative democracy involved the rejection of one set of European authorities, the doctrinaire liberals of the eighteenth and early nineteenth century; but it was carried out with the aid of newer European authorities, mainly French (Saint Simon, Leroux, Lammenais, Lerminier) but also German (Hegel and Savigny) and English (Bentham).

The result was the development of a new criterion for measuring the health of democracy in Latin America, namely, its ability to develop an élite capable of making conservative democracy function successfully. The conservative revision of democratic ideas in the 1830's and 1840's found notable expression in many other countries besides Argentina. For example, in 1848 the Peruvian Bartolomé Herrera, described by another prominent Peruvian writer of the present day, Víctor Andrés Belaunde, as "the most clear-sighted of our political philosophers,"[5] published a book which made a frontal attack on the whole conception of popular sovereignty and majority rule.[6]

At the same time, diagnosticians clung to the popular conception of democracy, which was greatly strengthened by the enthusiastic response of many Latin American liberals to the European revolutions of 1848 and particularly to Lamartine's ideal of an equalitarian republic.[7] In short, professed democrats in Latin America were sharply divided by the mid-nineteenth century over the interrelated questions of definition and ways and means. The difference between the two wings, radical and conservative, may be described as one between being and becoming, between immediacy and gradualism. A rough analogy may be drawn with the Marxist schism of communists versus socialists in the twentieth century.

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[4] José Luis Romero, *Las ideas políticas en Argentina* (Mexico, 1946), p. 140.

[5] Víctor Andrés Belaunde, *La crisis presente, 1914–1939* (Lima, 1940), p. 184.

[6] *Compendio de derecho público interno y externo . . .*, cited by Belaunde, *op. cit.*, p. 185, n. 1.

[7] Francisco García Calderón, *Latin America: Its Rise and Progress* (London, 1913), pp. 244–245.

The schism was widened by the coming of positivism, which, according to its leading historian, Leopoldo Zea, held as dominant a position in Latin American thought from the mid-nineteenth to the early twentieth century as scholasticism had held there during the colonial period.[8] By no means did all Latin American positivists support the conservative redefinition of democracy. Only one of its two main wings, the one inspired by Auguste Comte, did so, whereas the other, with Herbert Spencer as its patron saint, contained many followers, particularly in Argentina, who bent their effort towards giving democracy a still wider definition and applying its principles more vigorously.

The bifurcation between conservative democracy and radical democracy became definitive in the third quarter of the nineteenth century; and the two branches together have continued to dominate Latin American political thought. On the one hand, early in this period the fading cause of monarchy was at bottom the cause of conservative democracy—it was in this sense that the Argentine, Alberdi, for example, was a monarchist. In our own times authoritarian regimes, which have been branded as fascist and totalitarian by their critics, have been described by their champions in the long familiar terms of conservative democracy. Thus the Brazilian, Benjamín Vargas, used Auguste Comte's own term, "sociocracy," in justifying his brother Getulio's regime.[9]

At the other extreme, even among the so-called communists of present-day Latin America, there are many who are not communists at all (in any sense of the term that would be acceptable to Stalin or even to Tito), but radical democrats; and, in any case, the total number of Latin American communists, whether deviationist or simon-pure, is probably very small. Whatever their numbers, they, too, use the democratic label and claim that their package contains the only genuine article. For the past three quarters of a century practically all Latin Americans have been in favor of democracy, but they have thus been split into two radically different groups on the question of what constitutes democracy. This split has led them to give widely divergent answers to the question, what is wrong with democracy in Latin America?

The problem is further complicated by the fact that since the split became definitive, each wing has been not only strengthened but also modified in some important respects. Conservative democracy gained an important accretion of strength from the racist doctrines, associated with the names of Count Gobineau and H. S. Chamberlain, which swept over to the Atlantic world in the latter half of the nineteenth century. The central doctrine of Frankish or Germanic or Teutonic or Anglo-Saxon supremacy brought no grist to Latin American mills; but it was quite otherwise with another tenet of the racist faith. This was the belief that in the whole hierarchy of races the lowest of all were the mixed races, the "mongrel breeds," for these combined all the vices of the "pure" races without any of their virtues.

How this idea was applied to Latin America is shown by the Argentine, Lucas

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[8] Leopoldo Zea, *Dos etapas del pensamiento en Hispanoamérica: del romanticismo al positivismo* (Mexico, 1949), p. 43.

[9] Arthur P. Whitaker (ed.), *Inter-American Affairs, 1945* (New York, 1946), p. 58

Ayarragaray, in his book on anarchy and *caudillismo* in Argentina, first published in 1904. "Our political backwardness," he wrote, "is and always has been simply a phenomenon of the psychology of race: a hybrid mind has been the source of creole, i.e., hybrid, anarchy. The mestizo element has been the cause of the most fundamental defects in our [national] character."[10] Since the inferiority of "pure" Indians and negroes had always been taken for granted, the pseudo-scientific discovery that the great mass of mixed races (mulatto and zambo as well as mestizo) were likewise irretrievably condemned to inferiority fortified the social élite, who were mainly of "pure" European origin, in the belief that they were also a natural élite and therefore the only proper custodians of political power in their respective countries. The result was to strengthen the morale of oligarchies, for they were now more sure than ever that their rule provided Latin America with as large a measure of democracy as the racial composition of its masses permitted. Thus they were able to use with a clear conscience that vocabulary of democracy which had now become the only viable vocabulary of politics in Latin America. The time has long since passed when any creed but the democratic can be professed there with any hope of success. Dictatorial and oligarchic regimes have continued to flourish in superabundance; but not one of them has failed, or now fails, to do lip-service to democracy. Even attacks on existing democracies have been made on the ground that they were "decadent," "plutocratic," or otherwise perverted, and have contained the promise that truer democracies would be set up in their place.

Meanwhile, on the other wing radical democracy has also been stimulated by developments of the past two or three generations. Most of these developments have been related to the impact of modern capitalism and technology upon the various Latin American countries at successive periods since about 1870; increasing urbanization and increasing contacts with economically more advanced and politically more liberal countries; the formation of a more or less rudimentary middle class, an industrial proletariat and organized labor; the rise of a new plutocracy—commercial, financial, industrial—which has sometimes reinforced the older oligarchy of great landowners, but has more frequently weakened it. These developments have varied from country to country, generally in proportion to the intensity of the foreign impact; and their effects, while scarcely noticeable in some countries, such as Haiti and Paraguay, have been quite considerable in those countries that contain the bulk of the aggregate population of Latin America, namely, Argentina, Brazil, Chile, Colombia, Cuba, Mexico, Peru, Uruguay, and Venezuela.

III

The past 75 years have seen not only the strengthening of these two brands of democracy, but their modification as well. In both cases the modification has consisted mainly in the injection of an economic content into an ideal which was originally political. Generally speaking, conservative democracy has become identified with free economic enterprise, and radical democracy with state intervention in the name of economic democracy. So far as the former was concerned, the pattern had already taken shape in Mexico in the early days of the Díaz regime. There the celebrated *Científicos*, followers of the Comtian school of positivism, had by 1886 adopted the formula under which they were to administer Mexico, though not to control it (for Díaz kept the control in his own hands) for the next quarter century. The formula was: in politics, limited democracy, with political functions concentrated in an élite; in economics, free competition, no government interference, survival of the fittest. This was their version of economic democracy.[11]

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[10] Lucas Ayarragaray, *La anarquia argentina y el caudillismo* (3d ed., Buenos Aires, 1935), p. 221.

This version was at first shared by many democrats of the opposite wing until in Latin America, as elsewhere, unbridled laissez-faire began to produce some rather appalling results in the widening gap between wealth and poverty, with all the dire implications for the future of political democracy (according to any definition of the term that radicals could accept). The chief justification of conservative democracy had been its promise that the temporary restriction of political power to the élite would be the quickest means of assuring the ultimate establishment of full democracy by raising the general standard of living and culture and gradually training the masses for self-government. Instead, the rich got richer, the poor got poorer, and entrenched privilege prostituted democratic forms to its own ends and suborned or suppressed those who sought to carry out the promised broadening of the democratic base.

The reaction of radical democracy to this situation is best illustrated by the case of Argentina, as described by José Luis Romero.[12] There it was expressed in two different ways by the Radical party of Leandro Alem and Hipólito Irigoyen and the Socialist party of Juan B. Justo and Alfredo Palacios. Starting out about 1890 with a conception of democracy that was almost exclusively political, the Radical party laid increasing emphasis upon both economic nationalism in relations with foreign countries and also state intervention in the domestic economy of Argentina. These economic policies might have been carried out in such a way as to justify the party's claim that it voiced the democratic aspirations of the whole nation had not two other developments taken place simultaneously in the party. In the first place, its leaders lost effective contact with the masses. In the early years its leadership was largely middle-class, but as time wore on the leaders of this class rose to higher and more comfortable positions in the social scale and the party also recruited a new type of leader from the more liberal element among the wealthy landowning class. In the second place, the Radical party failed to live up to its own principles, and its downright abuse of power, such as the use of fraud and intimidation in elections, was strongly reminiscent of the wicked old regime that it had set out to reform. In the end, the Radical party did not serve either political or economic democracy; it was just another political organization that existed for the purpose of getting, keeping, and enjoying office.

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[11] Zea, *op. cit.*, pp. 363–369.

[12] Romero, *op. cit.*, pp. 214–225.

These developments had been foreseen back in the 1890's and had been one of the main reasons for the formation of Argentina's Socialist party, which fought its first political campaign in 1896. The Radical and Conservative parties alike, declared its manifesto in this campaign, are representatives of the wealthy and bourgeois classes and of a capitalist system that oppresses and exploits the masses. Unlike both of them, the Socialist party does not make the hypocritical claim that it represents everybody's interests; it represents only the interests of the working masses of Argentina, which everybody else has betrayed.

Romero does not carry his analysis into the Peronista regime (in fact his book, published in 1946, was written before that regime was firmly established). However, even Perón has at least paid lip-service to democracy and has carried on the modern trend, illustrated by Argentina's Radical party and still more by its Socialist party, towards shifting the emphasis from political to economic democracy.

Simultaneously, conservative democracy in Latin America was moving further to the right. The whole process was summed up in the personal history of that able Peruvian diplomat, publicist, and historian, Víctor Andrés Belaunde. Although Belaunde believed that the Peruvian masses were not yet prepared for self-government, he nevertheless looked forward in 1914 with confidence and approval to the time when they would share political power with the upper and middle classes.[13] By 1940, however, he was apologizing for what he had written at that time "in an atmosphere of classic liberalism." Since then, he said, "the intellectual climate . . . has changed completely," thanks to the new light shed by such works as José Ortega y Gasset's *La rebelión de las masas* and Charles Maurras' pitiless exposure of the myths of Jacobin democracy. So Belaunde kept up with the times by revising his own ideas about democracy.

The title of the essay in which he set forth the results was "The New Concept of the State";[14] but the most important part of this essay consisted of nothing newer than what Belaunde himself called a "return to Bolívar," that is, to the authoritarian ideas proposed by Simón Bolívar more than a century earlier. Belaunde's "return to Bolívar" suggests one of the main reasons why the Bolívar cult has spread so rapidly in upper-class Latin American circles in the past generation. Its spread betokens not so much growing gratitude to the hero of independence, the liberator, as an increasing use of his prestige for political purposes: the Bolívar cult is largely an expression of the conservative reaction in Latin America. It is one of the chief obstacles to democracy in those parts in which Bolívar's name carries weight.

This sketch of certain developments in Latin American thought about the problems of democracy brings out three points: (1) that ideas about what democracy is and how to achieve it have varied so greatly from time to time and from place to place that, if Latin American thought on the subject is to be our guide, we have no norm by which to determine the pathology of Latin American democracy in the national period as a whole; (2) that the one clear trend to emerge from this welter of change is the widening rift between radical and conservative democracy—a rift which has proceeded so far that the extreme fringes of the two now represent respectively socialism and authoritarianism, though both continue to use the democratic label; and (3) that while Latin American thought has reflected foreign, and particularly European thought in all this period, it has also been characterized since the 1830's by an effort to adapt the rather plastic idea of democracy to the needs and capacities of Latin America.

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[13] Belaunde, *op. cit.*, p. 99.

[14] *Ibid.*, part 3; "La nueva concepción del estado," pp 177–256.

The trend of the radical wing in that area can be explained in terms of the inner contradictions of the democratic idea itself. If the idea is expressed in the well-worn motto, "liberty, equality, fraternity," every schoolboy knows that the teamwork of this triad has always left much to be desired. Fraternity has never given much trouble—that patient draft animal will serve almost any system; but the other two are high spirited steeds which have never been able to work in harness together. Liberty breeds inequality; equality can be attained only by sacrificing liberty.

Two ways of escape from this dilemma are open. One is to give up all pretense of absolutism, recognize that complete liberty and perfect equality are unattainable, and settle for whatever degree of each will be acceptable. That seems eminently sensible; but it is by this process that many Latin Americans have justified regimes that we call dictatorships or oligarchies.

The other alternative is to convince oneself (as Harold Laski convinced himself) that, no matter what the sages of the past or present may have said on the subject, the essential core of the democratic idea is equality—more particularly economic equality. Once this is done, there will be no qualms about what happens to liberty; it will not be excluded from the democratic feast, but will have to be content with the left-overs after equality has been served. This step takes care of fraternity, too, for it is now made consubstantial with equality. It is towards the equalitarian version that the newer developments in the radical democratic thought of Latin America have been tending.

IV

The problem of Latin American democracy as we know it today was beginning to take shape by the eve of the First World War. Some insight into the problem may be gained by examining the reports prepared at that time by two talented diagnosticians, one a Latin American, Francisco García Calderón, the other an Englishman, James Bryce.

Though a diplomat, García Calderón was also a man of letters and his diagnosis was presented in his now classic *Latin America: Its Rise and Progress*. Completed in 1911, this book was based upon first-hand knowledge as well as on wide reading, though it was written in Paris, dedicated to Emile Boutroux and prefaced with an introduction by Raymond Poincaré.

For all its shortcomings, Bryce's diagnosis has the great merit of considering the problem of democracy in Latin America both as a historical phenomenon and as a problem in comparative government. As a historian of parts and a leading authority on democratic governments of his day, he was well qualified for the task, and he performed it remarkably well, considering his limited first-hand knowledge of Latin America. By combining the outsider's report of Bryce with the insider's report written by García Calderón, we have a fair sample of the best thinking of the period just before the First World War.

In important respects both García Calderón's diagnosis and prognosis resembled those of Bolívar, whom he admired greatly; but there were also important differences. Although he too thought that the obstacles to democracy in Latin America were so numerous and deep-rooted in the colonial age as to make its future dark, he attributed the difficulties to the Indian and to Spanish heritage, and to Catholicism as well, and he noted democratizing influences that had appeared since Bolívar's time.[15]

"All the history of America, and the inheritance of the Spaniard and the Indian," he wrote, "has ended in the exaltation of the *caudillo.* Government by *caciques,* absolute masters, like the *caudillos* themselves, is very ancient in Spain. . . . The [pre-Conquest] American Indians [too] obeyed *caciques*"; and this original pattern was strengthened by the physical environment, for "the desert is monotheistic; over its arid uniformity one imposing God reigns supreme . . . Páez and Quiroga were divinities of such regions . . . [Latin] American revolutions are like the Moorish wars directed by mystic Kaids." Escape from this pattern of political absolutism is made difficult by the prevalent Catholic pattern of religious absolutism, which breeds among the various parties and groups an "aggressive intolerance" that makes orderly political life well-night impossible. Hence the incessant revolutions, which are "a necessary form of political activity," for "It is only by violence that the [opposition] parties can emerge from the condition of ostracism in which they are held by the faction in power, and it is by violence that they return to that condition."

The passage of time, he continues, has not greatly changed this pattern. "Even when the social classes were organized and the economic interests defined the rivalry of the leaders continued, and politics remained personal." The main difference has consisted in a lowering of the degree of intensity and a tendency towards the substitution of fraud for force. "The drama has replaced the epic; the conflict of passions and interests succeeds to the battles of semi-divine personages. . . . Men buy votes; electoral committees falsify the suffrage, as in the United States, by force of money," and *caudillo*-presidents make legislatures pliant by filling them with bureaucrats.

A conservative democrat, García Calderón, believed that the only immediate hope of amendment lay in a return to the system proposed nearly a century earlier by Bolívar: infrequent elections and the concentration of power in the hands of a president checked only by the "moderative power" entrusted to a unicameral assembly similar to Bolivar's "life-Senate"—"a serene assembly untroubled by democratic cravings . . . [or] by the anonymous or Jacobin will of the multitude." He cites with approval the Venezuelan Machado Hernández's thesis that "the best form of government for [Latin] America is that which reinforces the attributions of the executive and establishes a dictatorship"—a thesis further developed by another Venezuelan, Vallenilla Lanz, in terms of "democratic Caesarism." García Calderón made it even stronger; to him, autocracy seemed not only the best but the only practical means of government in Latin America.

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[15] The following summary is drawn mainly from García Calderón, *op. cit.*, pp. 365–377.

But he did not entirely despair: he saw some signs of improvement in Argentina, Uruguay, Brazil and Chile, which he attributed to the fact that the economic life of these nations had become more "intense" under the impact of foreign capital and business enterprise. Following the Argentine writer, José Ingenieros, he expected that conflicts of economic interest would replace personal and clan rivalries as the basis of politics in these countries and would lead to the development of a two-party system similar to that of England. This process would in time spread to other Latin American countries and the results would be salutary in many ways. But such a foreign impact contained a threat as well as a promise, and the people must be on their guard lest the "mandarin" bureaucracies which, as Justo Sierra pointed out, now ruled these countries, let control slip into the hands of "the victorious foreigners who are making themselves masters of the soil." "The great political transformations of the future," he concluded, "will be due to the development of the common wealth; new parties will appear and the bureaucracy will have to be diminished.

Simultaneously with the original French edition of García Calderón's book and some twenty years after the publication of his own great study of democracy in the United States, James Bryce followed up a brief visit to part of Latin America with a book[16] in which he discussed the pathology of democracy in the whole of it. The first thing to be noted is that he conceived of democracy in political terms ("representative," "responsible," "constitutional," are his key terms) and, in contrast to García Calderón, he mentioned economic considerations only as a conditioning factor, with a half apology for mentioning them at all. Next in importance is the fact that he took an even gloomier view of the present condition of Latin American democracy than García Calderón, but was more generous in extenuating its shortcomings and somewhat more hopeful of its improvement. Otherwise there are close similarities between the two diagnoses, though they were apparently written quite independently of each other; neither mentions the other even in later editions or printings (e.g., García Calderón, 1919, and Bryce, 1923).

To begin with, Bryce sets Chile and Argentina in a class apart, as the only bona fide republics in Latin America. The other republics he divides into two groups: those countries in which democracy has been a mere farce (e.g., Haiti), and those including the Mexico of Porfirio Díaz, which maintained an autocracy under legal forms—to the great benefit of Mexico, adds Bryce. His distinction between the two groups is unimportant for our purpose, however, for he lumps together all the countries in both groups in the statement that "these states never have been democracies in any real sense of the word." But he hastens to defend them against censures and criticisms on this account. They "could not be real democracies," he avers, because of their racial composition, their sparse population spread over a vast area, and their lack of training in self-government. The liberal experiments of the early days of independence therefore only made existing matters worse; the constitutions of these states did not suit the facts and only produced a vicious circle of fraud and force.

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[16] Bryce, *op. cit.* The following summary is based on pp. 523–551 and 570–586. Bryce illustrates the common exaggeration of the isolation of the Spanish Americans; see, for example, pp. 574, 580. He believed this isolation had "retarded their development" ever since the Conquest.

As to the best means of breaking this circle, Bryce was in substantial agreement with García Calderón so far as some of the Spanish American communities were concerned. "The best thing for them," said Bryce, probably with Porfirio Díaz in mind, "is the strong rule of an able ruler," perhaps a monarch, though he also preferred "honest" oligarchy, "i.e., one professing to be what it really is," to a "sham democracy." Bryce regarded Chile out of all the Latin American states as "the one which best answers to European or North American notions of a free constitutional commonwealth." He admitted that the governing power in Chile was practically monopolized by a small landed aristocracy and a few lawyers; but government and the party game were carried on in much the same way as in eighteenth-century England; peace and order were the rule; national policy was stable; and the level of capacity, eloquence and national spirit was high.

Argentina, like Chile was now a constitutional republic from which that "flavour of militarism which was so strong in former years has now virtually disappeared," partly as a result of railroad construction, an influx of Spanish and Italian immigrants, the growth of cities, and a general prosperity which created "a growing sense of the value of order and peace." Foreign merchants contributed to the process by "making the native men of substance feel that frequent revolutions were retarding the development of their properties." The case of Argentina, he believed, was an indication of the process by which other Latin American states might "advance towards a more settled and legal government," for "the more property there is and the more industry there is in a country, the smaller is the proportion of those who join in a revolution either from a love of fighting or in the hope of bettering their fortunes." Also, a more prosperous country can do more for public instruction, which is "one of the most urgent needs of these nations," because "education, if it does not make men good citizens, makes it at least easier for them to become so."

Admitting that this linking of increasing wealth with political progress might sound strange to Europeans and North Americans familiar with the corrupting influence of money power upon free institutions, Bryce maintained that there are stages in a nation's history when "whatever makes for security makes for progress"—implying that all the Latin American countries were now in that stage. Some of them were already making progress and their example would encourage the rest. In conclusion, he advised European liberals who were critical of Latin America to look in the mirror. "Since 1859," he said, "power has in many countries [of Europe] passed from the hands of the few into the hands of the many, but no millennium of virtue and peace has yet followed . . . every sensible man feels that the problems of government are far more difficult than our grandfathers had perceived. . . . These things being so, ought not the judgment passed on the Spanish Americans to be more lenient? Their difficulties were greater than any European people had to face, and there is no need to be despondent for their future."

Despite two world wars and the many upheavals affecting Latin America, the ills of democracy there are still diagnosed in long familiar terms: the colonial heritage, Indian and negro as well as Iberian; the continuing racial heterogeneity; the old landlordism with its *latifundia*, and the new plutocracy with its slums; illiteracy and poverty; personalism and militarism; and so on. But there have been modifications of various kinds: new lists of the "truly" democratic countries; some mitigation of the charges against the Spanish part of the heritage; more concern with the definition of democracy and less agreement on any definition; a more explicit development of the economic implications of the term; a much stronger stress on the importance of the middle class as the pillar of democracy; and some fresh analyses of particular problems of democracy.

V

Let us consider the case histories of those countries which represent Latin American democracy at its best. García Calderón listed four, Argentina, Brazil, Chile and Uruguay; whereas, Bryce's highly selective list named two of these, Argentina and Chile. By the close of the present decade most experts had dropped Argentina and Brazil and had added Colombia and Costa Rica. Thus in 1946, Robin A. Humphreys (Britain) and in 1949, Austin MacDonald (United States) mentioned the same four: Chile, Colombia, Costa Rica, and Uruguay.[17] In 1944 the Colombian, Eduardo Caballero Calderón, answered both "yes" and "no" to the question whether democracy exists in Latin America, and the two countries in which he thought the best case could be made for its existence are both in the Humphreys and MacDonald lists: Chile and Colombia.[18] While individual writers might include other countries, the weight of opinion seems to be that over any considerable period of time the countries which have approximated most closely to the democratic ideal have been the six mentioned above: Argentina, Brazil, Chile, Colombia, Costa Rica, and Uruguay.

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[17] Robin A. Humphreys, *The Evolution of Modern Latin America* (New York, 1946), p. 80; Austin F. Macdonald, *Latin American Politics and Government* (New York, 1949), p. 2.

[18] Eduardo Caballero Calderón, *Suramérica* (Medellin, 1944), pp. 235–236. For a brief but instructive account of the rise of the middle class in Chile, the victory of democratic elements over the oligarchy, and the fiasco they soon suffered under the leadership of Arturo Alessandri, the "Lion of Tarapaca," see Ricardo Donoso, *Desarrollo político y social de Chile desde la Constitución de 1833* (2d ed., Santiago de Chile, 1942), pp. 113–121. This little book is a notable exception to the neglect that the history of the Latin American countries in the past fifty or seventy-five years has suffered at the hands of historians in those countries.

To what extent do the case histories of these six comparatively healthy countries bear out the commonly accepted explanations of the weakness of democracy in Latin America at large? Since we cannot examine all the supposed factors making for weakness or strength, we have chosen for analysis four of the factors which seem to be widely regarded as of crucial importance, namely, literacy, urbanization, the middle class, and party organization.

(1) *Literacy.* In the present century the literacy average of the six countries in this group has been above the general Latin American average. Argentina and Costa Rica have the highest literacy rate in all Latin America of around 85 per cent. Brazil and Colombia have a low rate of not over fifty per cent. Moreover, of the two countries where the rate is highest, Argentina has been dropped from the list for several years, and it may be seriously questioned whether Costa Rica should remain on in the light of events leading up to and following the revolution in 1948. Since a still more recent crisis has raised the same question about Colombia, the list of Latin American democracies is at the present writing reduced to two, Chile and Uruguay; and in both of these the literacy rate is only about 65 per cent, which is far below the rate in undemocratic Argentina and dubiously democratic Costa Rica. If democratic citizens are the best citizens, we may suspect that even the temperate James Bryce was over-optimistic when, with special reference to Latin America, he wrote that "education, if it does not make men good citizens, makes it at least easier for them to become so."

(2) *Urbanization.* In general, commentators on democracy in Latin America have shared the belief expressed by Laski that "organized democracy is the product of urban life." For a long time this proposition seemed to be borne out by the history of democracy in a considerable part of Latin America; but recent events have raised serious doubts about its validity. The greatest center of urban life in Latin America, the metropolitan area of Buenos Aires, is a case in point. This area was formerly the chief source of support of the two democratic parties of Argentina, the Radicals and the Socialists; but in the present decade it has played a decisive part in establishing and maintaining the Perón regime, whose existence constitutes the main reason for Argentina's exclusion from current lists of Latin American democracies. Moreover, in so far as communism is a threat to these democracies, the threat comes from the cities, and the most united opposition to it comes from outside the cities. In the latter connection, it should be noted that Laski's proposition has never been true of Costa Rica, which in the quarter century before 1947 came to be regarded as perhaps the soundest of all the Latin American democracies. Costa Rica has no large cities; it is an overwhelming rural country, and in its heydey its democracy was of the Jeffersonian small-farmer type.

(3) *Middle Class.* Largely by implication in the nineteenth century, but explicitly and more frequently in the past generation, diagnosticians have attributed the ills of democracy in Latin America to the lack of a middle class,

and conversely have explained the growth of democracy in a few of its countries to their rare good fortune in possessing such a class. This correlation of democratic health with middle-class strength finds considerable support in the history of several Latin American countries; but recent developments have shown that it would be a great mistake to assume that the Latin American middle classes can be counted upon as the champions of democracy under all circumstances.

As far back as 1914, Belaunde pointed out that the middle class in Peru, Chile, and Argentina, small though it was, had become an effective engine of oppression by letting itself become "bureaucratized" under the control of strong executives; the resultant system he dubbed "bureaucratic Caesarism."[19] At the present time, as indicated in a book published in 1948[20], one of the chief dangers in Latin America is that the middle classes, caught in the economic squeeze between price inflation and frozen incomes, and the political squeeze between the communism of Russia and what they regard as the pluto-democracy of the United States, may adopt the alternative of "creole fascism" of Spanish American Falangism on the model of Franco Spain. In support of this opinion, an editorial published in the Colombian newspaper, *El Liberal,* in July, 1946, was quoted; and the opinion expressed therein has been endorsed by a noted Peruvian intellectual and former cabinet minister, Jorge Basadre.[21] This point of view has also found considerable basis in subsequent events in Peru, Venezuela, and Colombia, and perhaps Costa Rica as well.

It is misleading to answer that there is no fascism in Latin America, that its present authoritarian or other anti-democratic movements are merely a continuation of its age-old patterns of oligarchy and dictatorship. So far as the past is concerned, there is a large element of truth in this answer; but it is not wholly correct even with regard to the past and it fails to take account of present tendencies which are likely to make it quite inaccurate in the near future. The measure of truth in it is indicated in the recent analysis of problems of democracy in Latin America by the able young Colombian socialist, Antonio García. According to García, the Latin American fascists of a few years ago did nothing to give effect to the totalitarian and corporative systems of Mussolini and Hitler, of Franco and Oliveira Salazar, which they pretended to admire. Instead of establishing a new order, they merely used the new ideas and catchwords of fascism to bolster up the old Latin American order of class privilege and oligarchy.[22]

Yet García's book itself is evidence that a situation is developing in Latin America which favors the growth of fascism—not the imported variety of a few years ago, but a native growth, or to use *El Liberal's* phrase again, "creole fascism." This situation arises from the spread in Latin American parties of both the right and the left of statism, which can hardly fail to produce a long bitter fight for control of the state in most of Latin America, where economic and social differences are wide and where the stakes are correspondingly high. Statism is not new in Latin America. It has roots in the Iberian tradition; it survived even in the laissez-faire atmosphere of the nineteenth century; and there have been many evidences of its growth in the past thirty years—witness the Mexican Constitution of 1917, the Uruguayan social legislation of the 1920's and subsequently the popularity of national planning in the depression decade of the 1930's, the numerous *fomento* corporations of the recent war period, and Brazil's recent SALTE plan.

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[19] Belaunde, *op. cit.*, p. 80.

[20] Arthur P. Whitaker, *The United States and South America: The Northern Republics* (Cambridge, 1948), pp. 195–206.

[21] *Revista de Historia de América,* No. 27, p. 136 (June, 1949).

[22] Antonio García, *Planificación municipal y presupuesto de inversiones* (Bogota, 1949), p. 52.

What this trend will mean to the middle and upper classes if the masses gain control is indicated by the current redefinition of democracy in economic terms. To put the matter plainly, as it has been put by Antonio García and his fallen chieftain, the late Jorge Eliécer Gaitán, it will mean a redistribution of wealth for the benefit of the masses. As usual, the pinch will be felt first by the middle class, and, to quote Laski's phrase again, fascism is at bottom "a defense of the middle class against the onslaught of the masses." There is no reason to expect that the oft-mentioned individualism of the Latin Americans will stem this tide. Their individualism has been much exaggerated and in Latin America, as elsewhere, the trend of the modern age is the other way.

(4) *Party Organization.* Made at the height of the nineteenth-century emphasis on the mechanics of democracy, Bagehot's apothegm, "Party organization is the vital principle of democracy," set a pattern of thought which is still strong in diagnoses of the ills of Latin American democracy. That the Latin Americans generally have been highly deficient in political organization, and that this deficiency has been a handicap to democracy there, will have to be admitted; but in line with the present inquiry, we are now concerned with, not the worst, but the best that Latin America has to offer.

The palm for political organization goes to Colombia in the generation before 1945. The country then had not only well organized political parties under able civilian leadership, with no taint of military interference, but also freedom of speech, comparatively orderly campaigns and honest elections. It also had the classic two-party system, the quintessence of good political organization à la Bagehot. Yet this model Latin American party system has been in serious trouble for years past, and in the past few months it has broken down completely. The Colombian presidential campaign just closed reproduced all the familiar features of Latin American political life at its worst—widespread violence and heavy loss of life; declaration of a state of siege, with consequent suspension of all personal rights, including freedom of speech and assembly; the President's intervention in favor of his own party; and abstention of the other party from voting. The President-elect, Laureano Gómez, is not a conservative; he is a reactionary. He has been called a Falangist sympathizer, but denies that. His election has been described by some commentators as setting back the cause of democracy in Colombia a whole generation.

In the long prelude to this Colombian tragedy, the much-admired two-party system was publicly abjured as far back as 1946 by no less a person than the brilliant young Liberal leader and then President of the Republic, Alberto Lleras, whose devotion to democracy no one can question. Theoretically, he said, the two-party system was the best form of political organization and actually it was working well in Britain and the United States; but in Colombia it was completely unworkable because it placed excessive power in the hands of the majority party under a unitary, presidential system of government which did not contain either of the checks on power that enabled the two-party system to function successfully in the other two countries—in Britain, the check of cabinet responsibility to Parliament; in the United States, the check of the federal system, with its division of power between the central government and the states.

The case of Uruguay raises doubts about the soundness of Lleras's reasoning. In that country there is a unitary government and a great concentration of power in the hands of the president, and while he and his cabinet are nominally responsible to the Congress, that responsibility has never been effective. The arrangement has not produced the dire consequences feared by Lleras. On the contrary, Uruguay is today one of the two most democratic countries in Latin America. At the same time, the alternative preferred by Lleras, a kind of coalition government of the two parties, was adopted and adhered to in Colombia for two troubled years until it broke down completely.

VI

There is a slightly brighter side to the story of Latin American democracy in recent years which has not been discussed. Mexico would be one of its highlights. But there the story would have to deal more with democratic promise than fulfillment, and even this promise is qualified by the fact that, although nearly forty years have passed since the dictator Porfirio Díaz was overthrown, the country is still governed under a one-party system. As practiced in our southern states, that kind of system has not been generally regarded by the rest of the country as a very close approximation to democracy.

In Latin America at large, the state of democracy's health does not seem as good as it did a decade or two ago. Nor does it seem that we have made much progress in the diagnosis of its ills. It is not that the "causes" which have been assigned are wrong, still less that there are not enough of them, for the main trouble with them is that they are too numerous. They tell both too little and too much. When applied to any particular country, they are like a charge of buckshot fired at a silver dollar at fifty yards: three or four shots may hit the mark, but the rest will miss it.

A clue to a better answer than we have yet had can be found in the fact that, while diversity characterizes the twenty countries of Latin America, uniformity of failure to maintain orderly and stable democratic governments over a long period of time also characterizes all of them, even the two present-day "bests," Chile and Uruguay. Does not this suggest that there must have been some important factor, or explanation, which was common to all these heterogeneous countries?

Looking back over the history of their democratic thought and action in the past 140 years, we find only one such factor or explanation. This consists in the fact that the efforts to introduce and foster democracy in Latin America during these years have been accompanied throughout by changing conceptions of that which was to be introduced. These changing concepts have consequently been the subject of widespread and often violent disagreement among professed democrats. If it is indeed true that democratic government can function successfully only in countries where there is general agreement on "basic principles" and "significant issues," we need hardly wonder that democracy has developed so imperfectly and haltingly in Latin America.

A POLITICAL SCIENTIST'S POINT OF VIEW

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I

Lord Bryce, in one of his well-known works, once defined democracy as "that form of government in which the ruling power of a State is legally vested . . . in the members of the community as a whole."[1] This definition of democracy will serve as a point of departure in this paper.

Whether or not they agree with Bryce, most Latin Americans who have been at any time in an influential political position have invariably held aloft a democratic banner. Even that dubious democrat, Juan Domingo Perón, has written that "I [speak] in defense of democratic ideals, because my country is democratic and the Constitution I have sworn to observe is also democratic."[2] This democratic ideal has been espoused ever since the revolutions for Latin American independence. In the contemporary period, Vargas of Brazil has been one of a very few Latin Americans openly to call into question the desirability of democracy as a governmental objective and form. More typical of the Latin American point of view is the statement of a recent president of Panama who said at the opening of the first foreign ministers' conference in his own capital city in 1939 that "American dictatorships have never been imperialistic or totalitarian. They have been the expression of an incipient patriarchal state or the logical product of the incapacity of the governing classes to handle the machinery of democracy. In not a few cases they have been founded on the desire to accelerate artificially the slow process of the education of the people for the same democracy that they in reality have harmed."[3]

This banner of democracy, it must be confessed, has often been lifted unreasoningly and in blind imitation of what appeared to be politically fashionable in the hemisphere. Too often, especially in the early days of independence, was there unthinking confusion between a republican form of government on the one hand and the democratic base (including private rights) for that form on the other. García Calderón, a profound *pensador* of an earlier generation, has commented penetratingly on the conflict between the trilogy of liberalism, federalism, and democracy and that of conservatism, oligarchy, and unitarism. "Militarism, revolutions, and the warfare of the *caudillos*," he says, "were in part explained by the profound differences between the champions of tradition and the soldiers of liberty."[4]

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[1] *Modern Democracies* (New York, 1921), Vol. 1, p. 20.

[2] Juan Domingo Perón, *Political Course of the Future* (Buenos Aires, 1948), pp. 9–10.

[3] Juan D. Arosemena, quoted in *New York Times*, September 24, 1939, p. 40.

Many writers have blamed Latin American difficulties in the application of democratic government on the lack of apprenticeship in self-government during the colonial period. Bryce, for example, joins this group.[5] This is an easy assumption and, as far as it goes, a valid one. It errs, however, in assuming that the pathology of democracy yields to a political diagnosis alone. It does not. A problem as complex as this must necessarily involve the diagnostic efforts of the sociologist and the economist, the anthropologist and, of course, the historian. Especially in connection with an analysis of democracy is it essential to look to the past, both for the nature of the institutions and the difficulties confronting them.[6]

Even a superficial survey of Latin America's past reveals the strong thread of individualism running through the pattern. It is an individualism inherited from the Spanish and Portuguese and, insofar as the Indian contributed to an assimilated contemporary culture pattern, from him also. The creole leaders of the revolutionary period looked largely to France for their intellectual stimulus and in eighteenth-century France they found an atomistic conception of democracy which emphasized the narrowing of the authority of the formal sovereign and the expansion, almost the exaltation, of the rights of the individual. That which was French was almost automatically popular in creole circles in Latin American cities of the revolutionary period. This French emphasis on "the rights of man and of the citizen" operated, unconsciously if not consciously, to re-enforce the individualism normally inherent in Latin American political thinking.[7]

The *caudillismo* of the revolutionary and later periods was a normal and almost an inevitable successor to the *caciquismo* of an earlier era and represented individualism carried to an extreme. The early independent governments were sometimes rudimentary, and, maintains García Calderón, "the excessive simplicity of the political system [allowed] opinion . . . no other means of expression than the tyranny of oligarchies on the one hand and the rebellion of the vanquished on the other. . . . "[8]

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[4] *Latin America: Its Rise and Progress* (Bernard Miall translation, New York, 1913), p. 235.

[5] *Op. cit.*, p. 187.

[6] "The growth of a democratic spirit in Spanish America [prior to independence] had been retarded," wrote a study group of the Royal Institute of International Affairs some years ago, "by the nature of colonial society: by the subjection of the Indians, the creation of a titled nobility, the official censorship of liberal thought, and the ecclesiastical control of education." *The Republics of South America* (London, 1937), pp. 110–111.

[7] The Spanish had a saying, "*Del rey abajo ninguno*," which may be loosely translated, "No one below the king [is better than I]." Obviously, such an attitude, transmitted to the colonies and passed, in diluted form, to the independent states, would not conduce to easy acceptance of a democratic process.

Wherever "democracy" is actually individualism in this disguise its logical endpoint can easily be anarchy. That result was unfortunately attained in various parts of Latin America in the early days of independence, too often under the guise of allowing "democracy" to have its own way and learn by its own mistakes. Bolívar was one leader who realized the perils of an unrestrained democracy. "Knowing history, Bolívar was forced to admit," Belaunde describes his reasoning, "that monarchies and aristocracies had set up strong and enduring regimes. And he is also aware of the weakness, or better, the fragility of the republican [or democratic] regime, especially in countries of complicated structure."[9] Belaunde then quotes Bolívar as arriving at the conclusion that "the most perfect form of government is that which produces the greatest degree of social security, the greatest amount of political stability."[10]

II

That Bolívar came to favor British political institutions as best avoiding the dangers inherent in an unrecognized but destructive conflict between liberty and authority is beside the point. What is more important at this moment is the question as to what was the lack in the political milieu or mentality of Latin America at the time of the revolutions and subsequently—a lack which removed the checks on the new-found democracy so that in consequence it often destroyed itself by its excesses. The answer in one word would seem to be integration.

Democracy is, of course, a luxury type of government and political process. It is occasionally more expensive than other forms of political control, it is sometimes less efficient, it is often slower to function. But it is based on the assumption of the ability and the right of the average man—the citizen—to participate in the political process, and hence rejects the concept of an élite group which must monopolize that process. The phenomena that are possible symptoms of a pathological condition of democracy in Latin America—dictatorships, revolutions, over-emphasis on the military, political inarticulateness of masses of people, farcical elections, obstacles in the path of free communication of ideas—all need to be examined critically in the light of what we expect democracy to be and to do.

Again we come back to the effect of the lack of integration in the national life of Latin America on the whole problem of democracy. It should be obvious that in a discussion of factors contributing to and subtracting from a unifying process, attention cannot be devoted exclusively to *political* integration. There are also necessarily involved the economic, the social and cultural, the religious, the ethnic, and doubtless other aspects of the problem. What occurs in the political sphere is inevitably a product and a projection of developments along other lines.

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[8] *Op. cit.*, p. 371.

[9] Víctor Andrés Belaunde, *Bolívar and the Political Thought of the Spanish American Revolution* (Baltimore, 1938), p. 177.

[10] *Ibid.*, pp. 177–178. Cf. also Cecil Jane, *Liberty and Despotism in Spanish America* (Oxford, 1929), *passim.*

The Catholic faith has been the greatest single unifying or integrating element in the Latin American scene. It has penetrated more widely than the Spanish language and, in any event, is a positive force making for oneness that the linguistic common denominator could, in its very nature, never be. We often do not realize what a tremendous influence the Catholic faith and ecclesiastical organization have had in inducing a like-minded outlook in matters social and political, and even economic.

But, though life has been viewed almost universally in Latin America from a Catholic angle, this has not made for that socio-political fusion in which democracy could best flourish. It is not simply that the Catholic Church is an authoritarian organization or that it has almost always been allied with conservative groups, movements, and individuals in Latin America. The indirect but more pervasive effect of the great influence of Catholicism has been to transfer a tendency toward acceptance of authority into other fields than the spiritual and ecclesiastical, especially into the field of politics. Thus, there is developed less of the sturdy attitude of questioning constituted political authority than would provide the most fertile soil in which to plant democracy. This sort of response is especially characteristic of considerable numbers of the illiterate and the lower social classes generally and is almost universally true of the women of Latin America.[11]

Another integrating element which writers have been fond of citing is the "soul," or "ethos," or "spirit," or "Geist" of the Latin or, at least, of the Latin American peoples.[12] Rodó is the classic spokesman of Latin America in this wise and the indictment his *Ariel* makes against the Calibanistic culture of the United States is well known. Rodó and other writers with his leanings were, for one thing, describing the attitudes and feelings of an intellectual minority who are certainly not now, if indeed, they ever were, the expression of the political life and spirit of Latin America. To assert this is not to deny the affinity of "poets, politics, and polemics," to borrow a chapter title which Mrs. Romoli uses in her discerning volume on Colombia. The most that could possibly be said for the political implications of Rodó's analysis of the Latin American scene would be that he thought in terms of a society based on the Greek concept of democracy—and even if the Greek idea might have been somewhat applicable a century ago it surely is not pertinent now in the middle of the twentieth century. The integrating influence of a common upper-level culture becomes, particularly when projected into the political field, so tenuous as to be almost without significance.

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[11] In those lower economic circles which tend to reject the unquestioning acceptance of authority, e.g., organized labor in some countries, especially under the stimulus of Communist agitators, the response to political problems and needs is frequently along "direct action" lines. This type of activity interferes with the development of democracy as we understand it.

[12] Cf. José Enrique Rodó, *Ariel, passim.*

Much more impressive is the evidence indicating lack of integration in Latin American life. The evidence falls into several categories. One of them is the geographical. Latin America is not a geographical unit. It is not even twenty units, corresponding to the twenty states. Localism is still, after four and a half centuries, so overwhelming a fact in Latin America that it underlies much of the political behavior of even the best-knit states. Within a state like Ecuador, furthermore, the local, or at least the regional, division is so strong that the country becomes, in Professor Whitaker's aptly borrowed phrase, "a tale of two cities." Latin America, which occupies an area three times as large as the United States, has railway and highway mileages roughly comparable to those of this country. Had the larger area proportionate lengths of railways and highways those arteries would provide a degree of integration that would inevitably be reflected in politics.

Though it is not the province of this paper to discuss those facets in detail, the economic and social picture is much the same. "Social life in the Spanish American colonies was always based on the principle of inequality," writes Miss Fisher in the opening sentence of a study of the Mexican struggle for independence.[13] That principle of social inequality, resulting in lack of integration, has in large part been transmitted to the contemporary scene. The Chilean *hacendado* and his *inquilino* are widely separated from each other, though their dwellings may be only a hundred yards apart.[14] The gulf between the Goajiro Indian and the cultured member of the Colombian Academy of History at Bogotá is at least as great as that between a sharecropper and a Union League stalwart.

It is inevitable that in a land thus divided in so many directions and on so many planes democracy would find flimsy foundations. Democracy presupposes a tough-minded and tenacious acceptance of the nation as deserving a continuing loyalty which transcends loyalty to class. Democracy assumes that the proper adjustments and accomodations among classes, probably accompanied by vigorous debate and pulling and hauling, will be made peacefully within the framework provided. If loyalty to a class, whether a proletariat in the professional sense or an élite group, supersedes the common loyalty then democracy suffers correspondingly.

III

This political pattern is largely a relic of the days of Latin American revolutions a century and a quarter ago. The phenomena of that period were in turn traceable to the circumstances of the colonial era. *Caudillismo* is inherently antithetic to democracy. The color of *caudillismo* has long remained a part of

[13] Lillian E. Fisher, *The Background of the Movement for Mexican Independence* (Boston, 1934), p. 15.

[14] Cf. George M. McBride, *Chile: Land and Society* (New York, 1936), Ch. 1.

the Latin American picture. A stereotype of the earlier and more extreme sort of *caudillo* would require the use of such adjectives as ruthless, praetorian, intolerant, cynical. They are not adjectives with which we would describe a democrat. Later in the nineteenth century certain developments began to have their inevitable, if slow, political consequences. They were such developments as the less localistic view which peoples and rulers took, the impact of mid-nineteenth century liberalism, the integrating effects of railway, telegraph, and telephone building, the pacifying and restraining consequences of wealth in the form of trade, investment, and rudimentary industry. The general effect of these developments was to produce a *caudillo* less given to violence and more to intrigue and duplicity. And in proportion as respect for the intellectual and the business man increased, doubt about the utility and the inevitability of the *caudillo* also grew.

In the first twenty or twenty-five years of the present century a new and not altogether creditable or palatable factor came to play a part. It was in those years that the impact of newly burgeoning United States foreign policy fell most directly and (the Latin Americans often say) oppressively on the sister states to the south. The crystallization of canal politics in 1900–01 pointed inescapably—even if heavy earlier investments in and trade with Mexico and Cuba would not necessarily have done so—toward a general interest in and concern with Latin America, especially the Middle American region. The rather sudden advent of the United States as at least an embryonic world power was characterized by a certain amateurishness in conduct of international affairs, and nowhere was that novice's approach felt more quickly or more unfavorably than in Middle America. The manifestations of it were the "Big Stick", the "Caribbean Policeman," the era of protectorates, the "I-took-the-Canal-Zone" attitude.

The effect on the actual or potential development of Latin American democracy was harmful. The United States government quite understandably wanted to see order and stability maintained in Latin America, especially in those Middle American countries where disorder and instability might threaten our newly established strategic interests in Panama. But too often the technique used by the State Department was to uphold the heavy hands of those Middle American régimes which, with or without benefit of democratic support, showed a will and an ability to maintain order. Too often the United States took the easy way out by extending aid and comfort to whatever represented the *status quo*, and almost always the *status quo* was inconsistent with the cause of Latin American democracy. Such democrats as Haya de la Torre, for example, often became dedicated and sometimes bitter yankeephobes. Thus the struggling democratic forces in one or another Latin American state found that they had to combat not only the persistent native *caudillo* but also, in effect, the Colossus of the North in whose shadow he took refuge.

The United States acquired more finesse in the conduct of its Latin American relations after the middle 'twenties, especially after 1933, when it removed some of the undesirable consequences of its earlier policy. Nevertheless, the early twentieth-century responsibility of this country in providing an unfavorable setting for Latin American democracy was considerable.

IV

What are some of the specific factors which indicate that democracy in Latin America may not be in an altogether healthy state today? For one thing, the population of countries such as Guatemala, Peru, Ecuador, and Bolivia is overwhelmingly Indian. Other countries have an Indian population only relatively less important. In practically all of those countries or parts of countries the Indian, after four and a half centuries, still is not "a part of the national life." Politics in the occidental sense remains a monopoly of the white or very-near-white segments of the population.[15] The Indian's contacts with the white man's government are usually with the police official, the recruiting officer, or the tax collector. None of those persons is the best possible salesman of democracy. It is no coincidence that the Latin American states which we usually assume to be most democratic (with our Europeanized concept and definition of the term) are those with the largest percentages of European population: Uruguay, Costa Rica, Chile, and Argentina.[16] The dominant whites of many areas are reluctant to share political power even with the mestizos. Hence, this latter population fraction constitutes, as William L. Schurz well puts it, a "disturbing leaven of mixed peoples, who move in an uncertain political and social world between the fixed status of the pure bloods."[17]

If the state of the ethnic man has a distinct relation to the condition of democracy in Latin America, so do the needs of the physical man. A factor of very real importance is the continued low standard of living and the presence of endemic diseases in large parts of Latin America. We take for granted the fragile state of democracy in certain parts of Europe when the daily food intake of many persons has been reduced to 1000 calories or less. We assume that merely the stark struggle to keep stomachs reasonably full precludes much concern for such a luxury as democracy with its civic demands on the individual. Prevalence of tuberculosis and rickets and typhus does not give the best environment in which Central European democratic experiments can be undertaken. But we often forget that malnutrition and disease are fully as characteristic of large areas of Latin America as they are of devastated Europe.[18]

To the ethnic and physical man must be added the cultural man. Despite the most optimistic statistics of ministries of education, Latin America is still an area of widespread illiteracy. Many Latin American governments make "culture" and "education" almost synonymous, and too many are content merely to translate "education" into "literacy." Some of the more advanced educational programs in Latin America are now putting the stress on agricultural or vocational training. It still remains true, however, that the ability to read and write is almost a *sine qua non* for progress toward any educational objective. And, traditionally, that ability—literacy—has been a prerequisite for the individual to make much impact on the governing and political processes simply because without literacy those processes had almost no substance, meaning, or vitality for the individual. The significance of this limitation is reduced somewhat through the growth of political education by use of the radio. This means of communication gives the skillful candidate access to a vastly larger audience than he could ever have through the printed word. Its development has great pregnancy for the future of democracy in Latin America. Television will, of course, enrich the political appeal which the radio allows. But until radio and television facilities are more widely used in the political life in Latin America the low level of literacy will necessarily be a retarding factor in the development of democracy.

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[15] Cf. an unpublished manuscript study by George I. Blanksten, *Some Ecuadoran Constitutional Problems*, University of California (Los Angeles) Library, *passim.*

[16] Argentina, of course, is in a questionably democratic condition in recent years, but its overall record is good.

[17] *Latin America: A Descriptive Survey* (New York, 1941), p. 140. One would normally add Colombia, despite its large fraction of mestizo and Indian population, to the list of certainly democratic Latin American states but perhaps judgment as to that country's democracy should be reserved for the time being.

[18] In Latin America we can add malaria and hookworm, even if we have to subtract typhus. Cf. Charles M. Wilson, *Ambassadors in White* (New York, 1942) and Albert E. Stuntz, *To Make the People Strong* (New York, 1948), both *passim.*

To complete the picture of the various selves presented by the Latin American, final mention should be made of the political man. For the best condition of democracy it is necessary that the individual, in large numbers, think of himself, as the Costa Ricans and Uruguayans do, as a political unit rather than a political cipher. To personal dignity, which most Latin Americans have perhaps in overabundance, must be added political dignity. To many Latin Americans the politicos are a caste apart, somehow tainted and tarred. The defeated party in an election too frequently assumes, with all the automatic response we attribute to a Dodger baseball fan, that "they was robbed." Costa Rica's most eminent international lawyer once told the writer that he would never run for political office because of all the mud-slinging involved in a campaign. People of intellectual attainments and those in business and the professions[19] thus often shun political participation. This view obviously does not point to the growth of a democratic attitude or form of government.

When staunch journalistic defenders of democracy such as *La Prensa* and *La Nación* in Buenos Aires are "intervened" by the government, the results on the condition and potential progress of democracy are necessarily harmful. The same effect is suffered when a Vargas institutes a radio censorship or a Trujillo sends policemen to break up opposition political meetings. Democracy is necessarily predicated on free and untrammeled access to and transmission of information, ideas, opinions. Hence, anything that interferes with that access and transmission inevitably injures democracy. So close and so ancient is the relationship between democracy and a free press and free speech that the point as it applies in Latin America needs no demonstration at all.

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[19] With the exception of the lawyers, who often become political hacks because of the lack of opportunity in their own profession.

Another unhealthy symptom revealed by the Latin American body politic is the condition of its political parties. In a few of the states the parties, either on a biparty or a multiparty basis, have vigor, organization, continuity, respect, forthrightness, and influence. Under other circumstances and in other places, a *Partido Dominicano* is the only party legally permitted, or there is a favored machine under a Carías or an Ubico. Or again, there are countries in which parties seemingly flourish but in which the whole weight of tradition plus various pressures combine to produce a complete dominance by one party. Mexico's P.R.I. is a case in point; it operates to make that country effectively a one-party state. We look in vain in Latin America to find a party which assumes in any respect the role of His Majesty's loyal opposition. The idea of paying an extra stipend to the legislative leader of the opposition party, solely for that service which he thus performs, would leave Latin Americans completely bewildered.

The nature of elections in a given Latin American state is also revealing of the status of democracy. We are entitled to ask if the campaigning is free and substantial, if the balloting is orderly, if the votes are honestly counted. When an opposition candidate is admitted to have won in a free and fair election the particular state has taken a long and democratic step forward. Thus it was with Irigoyen (for his first election) in Argentina, Alessandri (also for his first) and Aguirre Cerda in Chile, Olaya Herrera and Ospina Pérez in Colombia, Bustamante in Peru, Grau San Martín in Cuba. The nature of the election laws also provides a test. If, for example, they allow the polls to be organized and controlled by the representatives of the first party to arrive there on election morning (in effect, the fantastic situation which has prevailed under the election laws of Mexico), we may be justifiably skeptical about the democratic character of these laws.

All of the Latin American constitutions have elaborate bills of rights. It is apparent that the courts of these states are faced with heavy responsibilities in interpreting and applying the law as it relates to civil rights, especially if the constitutional statement of such rights remains couched in nineteenth-century terms. For the most effective functioning of the courts in these matters, two or three considerations are probably fundamental: the judges must have a conviction of their own broad responsibility, the affected public must be conscious of the role of the judiciary, the courts must establish a satisfactory *rapport* with the other branches of the government, and mutual tolerance and respect must exist among the several branches. It surely must be apparent that these basic conditions do not exist in certain Latin American states, and to the extent that they are absent democracy is thereby harmed or retarded.

Another factor of importance is the attitude toward and the status of social legislation in a given country. President Perón, whatever his motives, doubtless had some justification when he wrote not too long ago that "this situation [i.e., disregard of the rights of the working classes] did not exist only in Argentina or America; a very similar state of affairs existed at the peak of the democratic era in those countries that boasted more of their democracy. It may be said that the systems of liberty and democracy have not been incompatible with the exploitation of man by man."[20] Those Latin American states which have kept themselves cognizant of and responsive to the changing socioeconomic situation as indicated by the social legislation have experienced fewer changes in government such as occurred in Argentina after 1943.

Still another element in the Latin American problem is the relationship of the military and civilian arms of the government. If a given country was nurtured on militarism in the days of its revolution for independence and if its people have not since raised serious questions about the naturalness or inevitability of *caudillos*, it is unnecessary to cite supporting evidence as to the sickness of democracy in that state. The military dialectic can sometimes contort itself into a democratic appearance[21] but, at least in Latin America, we are probably always justified in questioning the sincerity of that transformation. It is somewhat heartening to realize that in such a country as Colombia, despite all its recent political vicissitudes, the army has apparently remained largely in the background and has kept itself subject to supreme civilian control. That Mexico's latest presidential election presented a situation in which both major rivals for the office were civilians is a fact worth passing mention. But, by and large, the odds are still long in favor of the *caudillo*. Technology is on the side of the dictator; machetes are inadequate against machine guns and street barricades against tanks.

Here, then, are some eight or ten of the most important factors which have a direct bearing on the condition of democracy in Latin America. All of them are closely interrelated and their features and characteristics determine in large degree the status of democracy in Latin America.

V

What does the mirror of the recent past reveal about democracy's condition? Some of the revelations are, it must be admitted, disturbing, at least in a short-range view. The reversion of Argentina is familiar. It was a lapse from democracy which was legalized in February of 1946 and constitutionalized in March of 1949. Peru and Venezuela, within two months during the latter part of 1948, saw their respective promising experiments in democracy collapse. Costa Rica has lately experienced a long and unaccustomed period of electoral turbulence not unmixed with military activity. Chile has become less politically tolerant than before. The Herrerista movement in Uruguay continues to be ominous. Paraguay within a recent thirteen-month period suffered six *coups.* A Liberal boycott of the late Colombian election and the general nature of the campaigning in that contest are distressing in view of Colombia's long record of democratic progress. The tragicomic kaleidoscope of Panamanian politics has brought to the presidency a man of very questionable democratic sentiments. Perhaps these several set-backs are to be explained in large part as war-born distortions. But the short view is discouraging.

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[20] Juan Domingo Perón, *Political and Social Situation Prior to the Revolution of 1943* (Buenos Aires, 1948), p. 10.

[21] Perón wrote, for example, that "Circumstances . . . made the military . . . the instrument of demolition [of the regime in power in Argentina prior to June, 1943]. . . . But although in their proclamation of June 4 [1943] its authors only pointed out the necessity of putting an end to the corruption of the administration and of *defending the authentic Argentine freedoms*, the real fact is that public opinion, perhaps with very few exceptions, received the movement with warm sympathy, without worrying too much about its democratic or anti-democratic character." *Ibid.*, p. 12. But less in palatable disguise was the *pronunciamento* of an army clique, some three months before the *coup*, which said in part that "The first step to be taken, which shall lead us toward a strong and powerful Argentina, is to get the reins of government into our hands. A civilian will never understand the greatness of our ideal; we shall therefore have to eliminate them from the government, and give them the only mission which corresponds to them: Work and Obedience. . . . We shall have to arm, and continue to arm, fighting and overcoming difficulties, both internal and external. . . . Our government shall be a firm dictatorship, although at the beginning, in order to become firmly established, it will concede the *necessary* allowances." *Manifesto Distributed Among Chiefs and Officers of the Argentine Army, March 5, 1943.*

VI

Finally, a prognosis may be in order. The long view is admittedly better than the immediate one. Just as certain forces operated in the nineteenth century to remove the rawness of the political process and slowly paved the way for democracy, so there are other deep-lying forces operating in the mid-twentieth century. They are for the most part nonpolitical forces. Perhaps first in importance among these forces is the inevitable economic growth of the area. Economic maturity—expressed in terms of trade, industry, large-scale agricultural and mineral exploitation—demands political stability and abhors the mercurial sort of political process which Latin America has so often known in the past. And stability, despite the sometimes cynical identification of it with dictatorship, probably contributes in the long run to democratic development.

Industrialization necessarily means the development of an urban working class. This group is at once far more politically conscious than its rural counterpart and, furthermore, it lends itself much more quickly to organization.[22] The political potency of large labor organizations is universally recognized and they have long played a part in Latin American politics out of all proportion to the stage of growth of industrialization. There is no reason to think that the political effectiveness of Latin American labor will be less in the future.

Another force is cultural or, more narrowly, educational. The education of a people, even if it involves nothing more than the spread of literacy, operates powerfully to integrate them "into the national life." Social reforms, a prerequisite of democracy, are made more intelligible and desirable to a literate than to an illiterate people. Then, too, mass living standards are gradually being raised with the resulting incorporation of more persons in the national life. A "middle class," which we long have considered a cornerstone of democracy, is thus born.

This trend toward democracy must be indigenous. It cannot be imposed by the United States. It is scarcely contagious from one Latin American country to another. Duncan Aikman, an observing and penetrating correspondent, put it well when he wrote that "Democracy, in a word, does not 'spread' from one republic to its neighbors like a disease or a fashion in wall paper. Where it appears at all, it grows from roots which can take hold of something tangible in the social situation and draw nourishment from its surroundings."[23] Although the spread of democracy is thus socially vertical rather than geographically horizontal, it is likely that the persons and groups which deplore democracy in one country will take courage to uproot or retard it because of successful attacks on it elsewhere in the hemisphere. Hence, the entire problem does show an interrelationship for the whole of Latin America.

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[22] Organization of rural workers has been largely ineffective in Mexico, the only country which has systematically tried it.

We cannot expect to attain in this century ideal democratic conditions in all of Latin America. The problem is too vast and too intricate for such rapid improvement. Nevertheless, the long view is promising.

AN ECONOMIST'S POINT OF VIEW

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For the purpose of this paper, it is sufficient to make use of a broad and rough concept of democracy—namely, a political condition in which orderly channels are available to the people to transfer power from one government to another by peaceful means. In Latin America this condition typically has not existed. Instead, the functions of government have usually been carried out by a political oligarchy which continues in power until removed by revolutionary means.

It is not meant to suggest that developments of a democratic character have been entirely lacking in Latin America. In some countries, at times, they have gone far. For many years, Colombia and Costa Rica were cited as countries in which democracy had made great progress. Yet even in these two countries upheavals have taken place since the end of the War, and democratic institutions have received a setback from which they will not easily recover. Democracy is a delicate as well as a rare flower in Latin America.

Among the economic factors that bear on the failure of democracy in Latin America, the one which stands out from all the others is the system of land tenure. No other economic institution or condition can be put on the same plane. Indeed, the other economic forces militating against democracy have been largely derived from the system of land holdings, and depend upon it. These relations will be brought out in subsequent parts of this paper. First, however, we must examine the direct social and political influences of the land tenure system.

The crucial feature of land ownership in Latin America has been, and is, the large estate—the *latifundio*, to use the general term commonly employed in Latin America for this institution. In most of Latin America, land ownership has been concentrated in comparatively few hands. Such a generalization is, of course, subject to qualifications of a regional nature, inasmuch as small, independent farms have been long established in parts of Colombia, Costa Rica, Haiti, and other areas. Other exceptions are often alluded to but these are apt to be more apparent than real because they relate to areas of sparse settlement. In such places, the ownership of land has been an academic question, and, it might be added, it is likely to continue to be an academic issue wherever difficult natural conditions of climate, vegetation, and soil make denser settlement impossible. We must fix our attention on the lands where agricultural and pastoral activities have been developed. On such lands, the large holding has been generally dominant.

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[23] *The All-American Front* (New York, 1940), p. 201.

Concentration of land ownership in Latin America is a development which dates from the early colonial period, although, as we shall see, the process was extended and refined in the national period. The point to be stressed at the moment is that the making of large land grants was basic to the colonial system of forced labor. It is true that a variety of other institutions and practices contributed to the same end. In the Spanish colonial system, for example, the *encomienda* and the *repartimiento* (to employ two of the broadest, most inclusive terms) were commonly-used methods of coercing Indian labor. It is also true that the labor thus drafted was employed in mining and other occupations, as well as in agriculture. Nevertheless, it is difficult to see how the *encomienda*, *repartimiento*, and similar practices could have established themselves securely without a system of large landholdings, because they operated mostly for the benefit of the *latifundio*. It was the *latifundio* above all that called for compulsory services from native labor. Had it been absent, the system of drafting labor could not have become deeply rooted in colonial Latin America.

In some parts of the New World during colonial times, the operation of large agricultural holdings led to the introduction of Negro slavery. This was especially true of the sugar plantations in the Caribbean area and in northern Brazil. From the standpoint of the subject of this paper, the difference between Negro slavery and forced Indian labor is not an important one. More important were two qualities which they had in common: (1) each was part of a rigid structure of social classes, and (2) each involved a lack of personal freedom for the bulk of the population.

The social structure which came to prevail in most of Latin America after European conquest can be described in a few words. Mainly an outgrowth of the land tenure system, it consisted of a small group at the top and a large group at the bottom, with hardly anyone between. The middle class was negligible in size. Those in the upper class were usually persons of European ancestry. This was not always true, for men with a mixture of white and Indian or Negro blood were also found among the colonial aristocracy. But in such cases a certificate of blood purification could be obtained from the crown or some other appropriate agency. This genial fiction, a source of much amusement to students of Latin American history, played its part in maintaining the wide gap between upper and lower classes. Not only was it an economic and social gap, but it was also thought of as a gap between whites and non-whites.

The relations between the two classes, except where slavery existed, were feudal in character. Those in the lower class owed services to the landowners, mine operators, and others in the top ranks of society. The right to command such services was not an absolute one, for it was hedged in by numerous legal qualifications designed to prevent practices that were considered excessive in the exploitation of native labor. For the present purpose, the important fact is that the members of the lower class were tied to those of the upper class by personal bonds. In this sense their status was analogous to that of the medieval serf.

Thus, by means of slavery and the more common *repartimiento*, there was established early in colonial Latin America a condition in which the majority of the people lacked personal freedom.

In time, the *repartimiento* was supplemented, and to some extent replaced by, another method of forcing Indian labor—peonage. In this system, servile obligations as such were not owed to estate owners. In theory, the Indian was a hired laborer, working for cash wages. But this theoretical relation became subordinated to one based on a chain of debt in which the Indian was caught, and from which he could rarely escape. Such a debt relation often started when an Indian had to borrow cash to perform a ceremonial or religious function. Or, if he did not ask for a loan, the landowner might press one upon him at a time of festival. It was never difficult to arrange a loan, especially under the relaxing influence of alcohol.

Once in debt, the Indian was obliged to work for the landowner until the money was repaid, and, since he usually found it impossible to get out of debt entirely, his labor obligation tended to become a permanent one. In this way many Indians became permanently attached to their employers. They were free in a nominal sense, but not in any effective sense. The bond was a tight one, and, given the differences in education between the two classes as well as the habit of the one class to give orders and the habit of the other to obey them without question, the exploitation of native labor by means of peonage was probably more severe than that achieved by any other method.

What has been said above relates to the socio-economic structure of Latin America in the colonial period. The gaining of independence from European powers brought no significant change in the social structure of the former colonies. On the contrary, new trends of economic development which set in about the middle of the nineteenth century caused an extension and refinement of the basic elements found in the colonial period. These new trends were the outcome of a whole series of interrelated technical and institutional changes of world-wide scope. Certain aspects of these changes merit attention—namely, those relating to the nature and functioning of the world economy.

The great technological developments of the nineteenth century, such as those which occurred in the use of steam power and in the manufacture of steel, had revolutionary effects on transportation as well as on industry. The railroad and the steamship combined to provide cheap and regular transport services all around the world. The network of transportation thus created not only brought all parts of the world into closer contact with each other, but it also opened the way for new lines of economic expansion outside of Europe. Many areas, including some of the continental interiors, which prior to the middle of the nineteenth century had had only slender connections with western Europe, now became effectively linked to the economy of that vital region, with profound effects upon the use of their soil, mineral, and timber resources. Resources formerly untouched were brought into exploitation, as new lines of production were undertaken and older lines of production were stimulated and extended.

The physical network of world transport was matched by institutional conditions which also made possible the functioning of a world economy from about 1850 to 1914. Three institutional conditions were especially important: (1) freedom for international trade, (2) freedom for the migration of people, and (3) a large flow of capital from the countries of western Europe to the less developed parts of the world. The first and second conditions were not of course, absolute. The point to be stressed, however, is that these conditions strongly favored new paths of development in non-European countries, giving particular stimulus in such areas to the production of foodstuffs and raw materials for export to the industrialized nations.

As the new world economy took shape after the middle of the nineteenth century, economic activity in Latin America was quickened, stimulated, and changed in character. A strong impulse was given to commercialization of economic life—that is, production for markets instead of production for subsistence purposes. Not that commercial production became the more important. The total amount of labor time spent on raising subsistence crops continued to be much greater than that devoted to commercial output. But, even though subsistence production remained dominant, the gain in commercial production was large, and it had important repercussions of an economic and social character.

Once the stimulus of expanding foreign markets for Latin American agricultural and mineral products was felt, it was inevitable that some expansion would also take place in domestic markets within the Latin American countries. The transportation, handling, and, in some cases, the production of export products was carried out by persons who were divorced from subsistence farming. Employment increased in other service industries, such as communications and utilities, governments expanded their functions and personnel, and urbanization was encouraged. Thus, the growth of foreign markets was followed by a growth of internal markets, especially for food products.

As the foreign and domestic markets expanded, an extension of the system of large landholdings followed. In some cases, new large holdings were fashioned out of public domain, as lands which had not been worth exploiting under previous conditions, and which therefore had remained public property, became attractive to private owners. The typical procedure followed by Latin American governments in such cases was to grant or sell large tracts of public domain to a handful of individuals and companies in compensation for military services, or in payment for undertaking surveys of public lands, or for the purpose of promoting the settlement of sparsely-populated regions; such services were more often nominal than real.

Argentina and Mexico offer well-known illustrations of this method of creating new estates in the latter part of the nineteenth century. In Argentina, land grants were commonly given for service in the Indian Wars. In addition, some extremely large grants were made to persons or companies for colonization purposes, under penalty of forfeiture or fine if a certain number of families were not brought in and settled. Apparently it was the honest intention of the government, at least during certain administrations, to promote settlement by this means. But between theory and practice there was a wide gap. In the majority of cases, nothing was done to colonize the lands with small farmers, and nothing was done to enforce the penalties. Even this program ended in land engrossment.

In Mexico the so-called colonization company also figured prominently in the disposal of public lands. A law of 1883 provided for generous land grants to companies that undertook to survey the public domain. In theory the lands thus received were to be sold in small tracts to settlers, but this aspect of the law was completely ignored by the government as well as by the companies. In 1894 even the pretext of colonization was dropped, and the large concessions made thereafter were openly rewards for supporters and favorites of the Díaz dictatorship. The size of some of the private holdings created out of public domain in Mexico after 1883 reached astonishing proportions, as the following figures illustrate: in the state of Chihuahua, seven concessionaries received a total of 35 million acres; in the state of Durango, 5 million acres were shared by two persons; in various parts of northern Mexico, a single company acquired more than 12 million acres. These illustrations are extreme rather than typical, but there is no doubt that all grants made under the Díaz land laws after 1883 were large.

Public domain was not the only source from which new large holdings were fashioned after the middle of the nineteenth century. In some parts of Latin America estates were enlarged or newly created by depriving Indian villages of lands which they had possessed since before the Conquest, and to which their titles had been confirmed by the Spanish Crown. The most spectacular development of this kind took place in Mexico during the regime of Porfirio Díaz, when the Mexican government gave encouragement and assistance to the *hacendados* in stripping Indian villages of their lands. A variety of methods were used, ranging all the way from technically legal measures to outright robbery. The government was not slow to use military force in favor of the *hacendados* when Indian villages were stubborn and resistant about giving up their lands. It is not surprising that the ruthlessness shown in the destruction of Indian villages before 1910 should have been matched by bitterness and bloodiness in the civil strife of the first ten years of the Mexican Revolution.

In Bolivia, Indian communities have suffered a similar, if less striking, experience of losing their traditional holdings. A start was made in 1866 when

President Melgarejo abolished the communities by decree, and some of the lands became the property of the Indians in severalty while others were confiscated by the state. Changes in this policy were made in 1871 after the overthrow of Melarejo, and some of the transactions completed during his regime were declared void, but the granting of individual titles was continued, and this practice proved fatal, as it had in Mexico, to Indian ownership of lands that were considered valuable because of soil and location. Location became increasingly important as markets became more accessible through improvements in transportation. When George McBride published his study on *The Agrarian Indian Communities of Highland Bolivia* in 1921, he pointed out that

> Along the principal roads and railroads of today there have grown up also many large farms of recent creation composed of lands once held by community Indians but either bought or "acquired by other means" by men of white or mixed blood. It is in out-of-the-way corners of the country that community lands are still found: among the mountains where whites seldom penetrate, in secluded angles of the piedmont slopes, among the isolated peninsulas that border Lake Titicaca, on high inaccessible ridges, and out in semi-desert wastes on the open *altiplano*.

Similar developments took place in Peru, and, to a lesser extent, in Ecuador. The common impulse for these changes was an extension of commercialized agriculture, but naturally other factors of a political, social, and geographic nature influenced the outcome in each case. In this connection, it should be pointed out that the sheer size of the holding cannot be taken as a criterion of "largeness." Large holdings in some of the Andean valleys must have seemed tiny when compared with the great *haciendas* of Mexico, but they were as large as topography allowed.

By encouraging the *latifundio*, the course of nineteenth-century economic development in Latin America tended to strengthen and solidify the economic power of the landed aristocaracy. Inevitably, political oligarchy was also strengthened. This came about because those who governed were closely connected with the large landowners. Most of the men who were influential in politics came from the landed class, even when the dictator who happened to be at the top was a man from the lower ranks of society. A *caudillo* who held power for any length of time usually became incorporated into the landowning class. In addition, the landed class was always well represented among the higher army officers. It is well known that control over the army in a Latin American country has been an essential means of maintaining control over the function of government. Because of these ties, the further concentration of economic power which took place in the nineteenth century was matched by a consolidation of political power.

Parallel to the extension of large landholdings in Latin America after the middle of the nineteenth century was a new trend in the development of peonage. The two changes went hand in hand. There are even grounds for believing that the encroachment on Indian community lands was sometimes motivated by a desire to get Indian labor rather than by a desire to get more land. Deprived of the lands which yielded them their sustenance, the Indians had no alternative but to become peons for a large landholder. Back of both developments—that is, the changes in land tenure and the changes in peonage—was the fundamental influence of the expanding market economy.

The bond which kept the peon subservient to the landowner was tightened, since his labor was now more necessary than ever for the operation of the *latifundio*. The average estate in Latin America did not become a rationalized organization in a technological sense after the middle of the nineteenth century, but it did become more rational in the use of its labor force, as the owners came to appreciate the satisfactions of enlarged cash incomes. The relation between the *patrón* and the peon was still a semifeudal one, but the feudal quality of mutual rights and obligations was clouded and distorted by the nominal wage paid to the peon. The payment of a wage made it plausible for the landowner to exact as much work as possible from his peons. The softening influence of the non-commercial environment of colonial times was now removed, wholly or in part. At the same time, the machinery for keeping the peon in debt was made more effective by setting up a store at which the peon was required to make all his purchases. The *tienda de raya* of the Mexican *hacienda* is the outstanding illustration of this kind of institution. In addition, control over the peon was strengthened by changes in the laws relating to employment, or by vigorous government action of an extra-legal, and sometimes even of an unconstitutional, character.

To illustrate the changing nature of peonage, we may appeal to the experience of Guatemala. Peonage developed in Guatemala during the colonial period, chiefly in connection with the production of indigo, as a substitute for the *repartimiento*, or as a supplement to this older institution. In the latter part of the colonial period the production of dyestuffs for export markets dropped to low levels, and, since there were no other significant export commodities at that time, the economy of Guatemala retreated toward subsistence. There was a decline in the use of forced labor. Legally the Indians were still subject to labor draft, but the requirements for workers were small, and services were exacted with moderation. This condition continued for many years after independence. Forced labor existed, but it was not a severe burden on the Indian population.

After the middle of the nineteenth century the economy of Guatemala began to experience new vitality in the expansion of coffee production. The raising of coffee spread from the Antigua area to other parts of the country, many new plantations were established, and output expanded steadily. About 1880 the increase in coffee production attained striking proportions, as coffee became a commodity of more general consumption in Europe and the United States, and the plantation economy was stimulated and strengthened.

To assure themselves an adequate and steady supply of labor for raising coffee and preparing it for the market, the planters took advantage of all the various long-standing customs of forcing Indian labor in Guatemala. The favorite device, however, was peonage, since the others bore a more obvious resemblance to slavery. Peonage became practiced more commonly and applied more intensively.

The coffee planters were aided in getting labor by the Guatemalan government. In 1894 a national labor law was enacted to formalize relations between worker and employer. Contractual obligations to work were made enforceable. Responsibilities of the employer were defined and certain kinds of protection for the worker were established, but violations of the former were not made subject to penalties and violations of the latter were ignored by those who administered the law. As government authorities later admitted freely, the effect of the law of 1894 was to keep the Indian in a "status similar to slavery." To force Indians to enter into such contractual relations, vagrancy laws were enacted and vigorously enforced, and a number of other methods of exerting pressure were ingeniously contrived. Supplying labor for coffee plantations was for many years regarded a primary function of government in Guatemala.

It is obvious that the growth and intensification of peonage in Latin America in the late nineteenth century was a setback for democracy. In Europe, broadly speaking, commercialization of economic life in the nineteenth century helped to dissolve servile relations between peasants and landowners. In large part, remnants of a feudal society were replaced by relations of a contractual kind. It was thus a development which favored the advance of democratic institutions. The effect of commercialization in Latin America, as in many other parts of the world, was just the opposite. Servile bonds were tightened, personal freedom was restricted, and democratic tendencies were thwarted.

It should also be pointed out that the influence of commercialization in Latin American agriculture was felt in an expansion of tenancy as well as of peonage. Both developments took place side by side in some countries, and in some cases, tenancy has been simply a variant of a basic peonage condition. In purer form, tenancy became more common outside of the areas of Indian concentration than it did in such countries as Mexico, Guatemala, Ecuador, Peru and Bolivia. Argentina is the principal example of a Latin American country where tenancy has flourished.

In the latter part of the nineteenth century the economy of Argentina underwent a remarkable transformation as expanding markets for grains and meat in western Europe were made accessible through improvements in transportation. The total acreage under cultivation was increased greatly as new lands were opened and cattle ranches were converted into grain farms. Since Argentina was sparsely populated, the need for more hands to till the soil was met by immigration. Some of the immigrants were seasonal workers, such as the *golondrinas* (swallows) who made an annual cycle of migration between Italy and Argentina, dovetailing their farming operations at home with the harvesting of flax, wheat and corn in Argentina. But the majority of the Italians, Spaniards and other Europeans who went to Argentina settled there permanently. However, because of the prevailing system of large landholdings, they became tenants rather than owners. In many cases they rented land on a sharecropping basis. Whatever the rental arrangement, the tenant, with minor exceptions, remained a tenant, and his sons also were tenants rather than owners. Tenancy in Argentina offered no path to ownership. Tenancy, like peonage, strengthened the existing social structure and the political power of the landed class. The tenant was no foundation for the building of democratic institutions.

Thus far we have dealt with the land tenure system and with the landowner-peasant relations that have arisen out of the concentration of holdings. Invariably the *latifundio* has been a powerful obstacle to democracy in Latin America. Other economic factors, although less important, have also played their part. Among these is "monoculture," as it is usually called in Latin America—meaning one-sided, or specialized, economic development.

As the world economy evolved after 1850, it fostered a high degree of regional and international specialization. Although this specialization was complex in detail, in a broad way it consisted of a division of labor between industrialized nations on the one hand, and non-industrialized countries on the other. The latter, usually referred to as the "colonial economies," threw their main economic effort, apart from subsistence agriculture, into the production of foodstuffs and raw materials for export. Thus the countries of Latin America came to be but small consumers of their own commercial output. Most of what was produced in their fields, ranges, mines and forests was shipped to export markets in the industrialized nations. In many Latin American countries an extreme degree of economic specialization was achieved, in the sense that a few commodities—or even a single commodity—came to account for most of the total value of exports. This has been the case with copper and nitrates in Chile, sugar in Cuba, tin in Bolivia, bananas in Panama, and coffee in El Salvador, to cite only a few examples.

At the same time, the Latin American republics became dependent upon sources of capital in the advanced industrialized nations for the investment needed to carry out their role as producers and exporters of primary products. It was largely foreign capital which developed mineral resources in Latin America, built the railways and improved the harbors, and provided the power, communication and other utility services required for the expansion of their exports. In addition, substantial investments of foreign capital were made in agricultural production for export, as in the banana and sugar plantations of Middle America and the cattle ranches of Argentina. The proceeds of foreign investment, as well as their exports of primary goods, provided the Latin American countries with the means of payment to import commodities which they did not produce at home. Manufactured goods loomed large among these imports, but several of the Latin American nations also became dependent upon imports for a sizeable fraction of their food consumption. Their ability to get vital imports depended upon a flow of capital from the industrialized nations as well as upon export markets in the same nations.

Prior to 1914, the dependence of Latin American countries upon export markets and foreign capital did not give rise to acute problems. The consumption of primary products by the manufacturing nations was not only expanding but it was little affected by cyclical disturbances in business conditions. The movement of capital to Latin America was steady, and the international economic order functioned smoothly. The First World War, however, brought an abrupt end to these conditions. The international economy was shaken loose from its foundations, and it proved impossible to reconstruct it in the uncertain political and economic environment of the 1920's. International capital movements became erratic. Policies of economic nationalism in European countries caused them to reduce their imports of foodstuffs and raw materials. Because of this and other developments, the prices of foodstuffs and raw materials fell in relation to the prices of manufactured goods, and all countries dependent upon exports of primary products were placed at a disadvantage.

Thus, in the first decade after World War I the Latin American countries found themselves in an uncertain, unstable economic world which greatly affected their internal economic stability. In some countries a state of semi-depression became chronic, and producers wrestled with various kinds of "surplus" problems for major export products. In some cases they were assisted by governments (for example, coffee producers in Brazil), but even where no government program was developed, political conditions were strongly affected by the new economic conditions.

The economic dislocations and problems of the 1920's were multiplied many times over in the depression of the 1930's. What was left of the world economy broke down completely. World trade shrank to a fraction of its former volume. In Latin America, Chile and Bolivia experienced an 80 per cent drop in exports between 1929 and 1932, and Cuba followed with a decline of 70 per cent. The aggregate value of exports from all twenty republics in Latin America fell by approximately two-thirds in the same period. At the same time, the inflow of foreign capital, which had been very important in financing imports, virtually came to a halt. The depression was keenly felt in Latin America. To point this out is not to imply that the depression was more severe in Latin America than in the industrialized nations. It was severe everywhere. The point to be stressed is that the one-sided, specialized nature of their economies made it more difficult for Latin American countries to combat deflationary pressures coming from abroad, and also made it more difficult for them to adopt recovery measures. Furthermore, as bilateral and other new trade agreements were negotiated during the 1930's, each Latin American country found that it was at a great disadvantage in bargaining with the major industrialized nations—a disadvantage which arose out of: (1) its extreme dependence on one or two export products, and (2) its relatively small position as a buyer of the exports of any industrialized nation. It cannot be denied that Latin America suffered from a peculiarly grave kind of economic instability during the 1930's.

To appreciate fully the bearing of this instability upon democracy in Latin America, it must be realized that the governments of Latin America have typically derived a large fraction of their revenues from taxes on export products. These levies are collected in the form of export duties, or perhaps in the form of royalties on mineral production. Whatever the form, the amount of such revenues is closely related to the volume of exports. The drying up of foreign markets, therefore, has immediate and severe repercussions on government finances. Moreover, duties on imports are another important source of government revenue, and they also drop off as importation is curtailed by the decline in exports and in capital inflow. The financial position of the Latin American government is thus extremely vulnerable to a decline in foreign trade. A severe depression is obviously a threat to political stability anywhere. It is all the more so where, as in Latin America, a government suffers a drastic and rapid loss of revenues.

Political conditions in Latin America, unstable at best, have therefore been deeply affected by the vulnerability of their economies to unfavorable changes in exports and in the flow of foreign capital. Economic conditions in the 1920's, and even more in the 1930's, must be held responsible for much of the political tension experienced in Latin America. In 1930 there began a wave of revolutions that affected more than half of the republics of Latin America by 1933. Some of the progress that had been made in the development of constitutional government was lost during these revolutionary upheavals, and much of what was lost has not yet been recovered. Even in countries where no revolution occurred, mounting tensions led to a tightening of dictatorial powers. There can be no question that "monoculture" in Latin America has encouraged political control by *caudillos*, and that it has been a handicap to the development of democratic institutions.

We must also consider the effect of low standards of living on political institutions in Latin America, bearing in mind the fact that these standards have been basically determined by the system of landholdings. Once established, the distribution of property in the form of land fostered a high degree of inequality in the distribution of income. Typically a large fraction of the national income in a Latin American country has gone to a handful of persons, while the average income for the bulk of the people has been very low, and thus average standards of living have also been low. It must be granted that other causes have contributed to the same end. Deficiencies in natural resources, and other physical conditions such as a difficult climate for work, by restricting total productivity, have also reacted on standards of living. Giving full weight to such conditions, however, it is certain that a different pattern of income distribution would have yielded higher average standards of living in all Latin American countries, and very much higher standards in some.

Low standards of living tend to foster and perpetuate political oligarchy. Deep poverty, and its twin, illiteracy, make it possible to continue a situation in which political power in a nation is concentrated in the hands of a few. But if the average person in such a country attains a greater satisfaction of his material wants, and a certain amount of leisure time in which to acquire literacy, new avenues are apt to be opened in his thinking. The influence is a subtle one. Higher standards of living create a feeling of responsibility, a willingness to take responsibility, and a desire to share the responsibility of government. What a person accepted before without question may no longer seem just or reasonable to him. Thus the position of any privileged minority becomes questionable and it may soon become untenable. Even if this last reaction takes place very slowly, it is clear that a rise in average standards of living favors the development of democratic institutions.

We may readily believe, therefore, that the political oligarchies of Latin America are fundamentally opposed to measures which bring about a rise in standards of living for the bulk of the population, no matter what they may say for public consumption. They realize that such measures imply a threat to their position. To point this out is not to suggest that the oligarchs reach this conclusion by sociological analysis. Reasoning is unnecessary. As though by intuition, they inevitably come to the conclusion that the mass of the people are happy living in poverty rather than in plenty.

The existence of large foreign investments in Latin American countries must also be recognized as an economic factor which has tended to weaken rather than strengthen democratic institutions in Latin America. Big foreign concerns have at times intervened in local politics, giving financial and other aid to dictators who could supply the kind of stability that was favorable to business operations. The evidence is difficult to evaluate. Some writers on "economic imperialism" have treated this question in an exaggerated and overly dramatic manner, discovering plots and conspiracies on every page of the history of foreign investment in Latin America. Such interpretations can be readily dismissed without denying that the influence of foreign corporations has been found often on the side of dictatorship rather than that of democracy.

More important than direct intervention in politics is the fact that most foreign investment of the past has fitted in with the interests of the landed aristocracy. Foreign enterprises engaged in agricultural production in Latin America have sometimes behaved exactly like native landowners in relation to their workers, taking full advantage of peonage and other means of getting forced labor. Much foreign capital has gone into the construction of railroads and the improvement of harbor facilities. By stimulating exports, these developments have strengthened the economic position of the large landowners. In mineral production, the foreign companies have had less direct economic ties with the landholding class, but they have shared a common point of view on many basic questions. The foreign company engaged in mining or petroleum production in a Latin American country has not been interested in the domestic market, since all or most of its output has been shipped to export markets. It has had little or no concern with average purchasing power within the country, or with standards of living. The technical and managerial personnel in charge of operations has usually been quick to adopt the attitude of the aristocracy toward the bulk of the population. Moreover, they have been wont to believe that their companies bear an unduly large proportion of the tax burden, and thus they have been typically opposed to increasing government expenditures for education. Whatever the intention, the effect of this action has been to impede the development of democratic institutions.

The preceding discussion has brought out what we consider to be the main economic forces that militate against democracy in Latin America: (1) the system of land tenure, and its major corollary, peonage; (2) one-sided economic development; (3) low standards of living; and, (4) the nature of foreign investment. The objective of this paper has been to analyze these economic conditions in relation to the problem of democracy in Latin America. We can hardly leave the subject, however, without setting forth briefly a few propositions of a positive nature about economic changes favorable to the development of democratic institutions in Latin America. Although these propositions have been implied in what has gone before, they now need to be clarified and examined in relation to each other.

The emphasis given in this paper to the system of landholdings naturally suggests a similar emphasis on land reform as a corrective. Land reform itself will not insure democratic institutions. It is well known that Mexico, the one country in Latin America where a major program to redistribute land ownership has been carried out, is far from being a democracy. Before democracy can prevail in Mexico in any meaningful sense of the term, many other changes will have to occur. They will take place slowly, because the heritage of the past cannot be written off easily. Nevertheless, Mexico has started on the road to democracy. As long as peonage held sway there was no hope at all for democracy in Mexico. At least that great obstacle to democratic development has been removed. Land reform, however imperfect, has achieved personal freedom for the bulk of Mexico's rural people, and has paved the way for the spread of education. If democracy in Mexico is not yet a reality, at least it is a possibility.

To stress the political importance of land reform in Mexico is not to suggest that other countries in Latin America will have to undergo an experience similar to that of the Mexican Revolution, or that they will have to follow the Mexican model in their land programs. The nature and scope of land reform will vary substantially from country to country. But as to the basic need for it, wherever peonage exists, there can be no question. It is difficult to imagine how peonage can be eradicated without a redistribution of land ownership.

In the light of what was said in a preceding section of this paper regarding "monoculture," or one-sided economic development, it is evident that economic diversification has a political as well as an economic meaning for Latin America. Diversification is no absolute guarantee against economic instability, but it is a means of reducing the kind of instability from which the Latin American countries have suffered through a collapse of exports and of foreign investment. In diversifying their economies they lessen their dependence upon business decisions made abroad—such business decisions are naturally made with reference to conditions in foreign countries. Diversification, too, puts them in a better position to combat deflationary pressures originating abroad, and makes it easier to put into effect recovery policies in a time of depression. Again, diversification supplies new sources of government revenue, and thereby lessens the chance of a crisis in government finances whenever exports and capital movements fall off sharply. In all these ways, economic diversification lessens the threat of economic instability, and, therefore, of political instability.

Moreover, diversification in Latin America invariably means an increase in manufacturing. The degree may vary from country to country, but industrialization is a necessary component of building a more diversified economy. Industrialization is never solely a technical and economic development. It is a social and cultural process as well, and in underdeveloped countries nowadays it is also likely to have profound political repercussions. Manufacturing development creates a new class of business men, with an interest in an expanding internal market. Higher average standards of living make sense to them. In the absence of a rising standard of living for the people as a whole, they cannot hope to realize their plans and ambitions for industrial development. Purchasing power for industrial products has to be created among the agricultural people, since this group forms a large percentage of the total population. The peon is no customer for manufactured goods. Thus the new industrialist class quickly appreciates the need for measures to improve the lot of the peasant farmer, including among such measures, land reform. Their business interests lead them to favor economic and social changes which establish a better base for democratic institutions.

In a broader sense, it can be said that the growth of industry is favorable to democracy because it creates new blocs of economic power, thus lessening the concentration of political power in the hands of one group. The industrialists make up one new bloc of this character. The trade union movement, which is also encouraged by industrialization, is another. Neither the one nor the other *insures* the full development of democratic institutions. That is not the question. The point is that in the prevailing economic, social, and political structure of Latin America they are both bound to be forces of a pro-democratic character.

It should be observed, too, that in recent years there has been a growing tendency for foreign capital to invest in manufacturing in Latin America, producing goods for domestic rather than export markets. The amounts involved are relatively small, but the trend promises to continue. To the extent that foreign concerns become interested in the domestic market, they also can be expected to throw their weight behind measures to raise average standards of living.

The most active economic agents of democracy in Latin America—land reform and industrialization—are clearly related developments, for a gain in the one is reflected in a better environment for the other. The foreign policy of the United States government is avowedly directed toward promoting the spread of democracy in the Western Hemisphere, as elsewhere. It must, therefore, encourage both land reform and industrialization in Latin America. Obviously, it is difficult for the United States government to promote land reform in another country by direct measures. This end must be achieved through promoting industrialization, inasmuch as industrial development will facilitate land reform as well as strengthen democracy in its own right. Thus the Point Four Program, now in the process of being worked out, is a crucial element in United States political policy, as well as an essential component of its economic policy, toward Latin America.

DISCUSSION: A SOCIOLOGIST'S POINT OF VIEW

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The only words in the title of this symposium which do not cause difficulty are "of" and "in," since even Latin America is a "nomer" that many protest is a "misnomer," for some parts of the region southeast of the U.S.A., and "pathology" and "democracy" can get into water as hot and deep as any that lies under the thin ice over which the social sciences skate. The very lumping together in our discussion of twenty republics varying as they do in Latin America is a procedure of doubtful accuracy, and one which at first encounter arouses the ire of any good nationalist in these countries. The term "pathological" suggests too strongly a complacent superior attitude on our own part that may befit the propagandist or the naive and uninformed man on the street, but not the social scientist. The world does not fall so neatly into the patterns of perfect democracy and the outer darkness as Mr. Churchill has supposed. Can we not accept a certain relativity in these matters and remember the large-sized mote in our own eye?

With the struggle of almost innumerable thinkers to define the direction and goal, we are surely familiar. The writer has no intention of assembling all the definitions available, for if they were all assembled, sociologists might lay the emphasis not upon forms and constitutions so much as upon something broader that earlier theologians would have called men's will and men's love. Since the development of "Mr. Tylor's science," cultural anthropology, we would be more likely to say that the legal arrangements grow out of and express the culture; that back of them lies a slow secular growth of the idea that personality, the freedom and full development of the individual are ultimate values, not to be sacrificed to the state; that power may be necessary for survival, and that unity or consensus or conformity may be necessary to power, but that something like Albert Schweitzer's "reverence for life" is a deeper principle. These things are no sooner said than we realize that we often sin against the ideals we cherish and fear the freedom to which we give lip-service. The practice falls far short of the preaching.

The identification of democracies with constitutions, against which it is especially necessary to guard in the case of some Latin American countries, is only one of several tempting equivalencies. Men both individually and en masse seem to group together, as if they were related to each other, many things that have no more in common than being liked by the same people; and there are classes of hated objects, too, among which we do not stop to demonstrate logical connections.

A case in point is that democracy, because it is by definition good, means to most of us peace, progress, prosperity and permanence, because they also are good. It should not need a Charles Maurras to sow the seed of scepticism here.[1]

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[1] Maurras attempts to break down the equivalence between "democratic" and "peace-loving," which we all assume, when he insists that monarchies are at least as good in making and keeping the peace as are people's governments.

We are writing about democracy in Latin America, not about the stability of government nor the standard of living, nor about backwardness, except in so far as they can be shown to have a relation to democracy.

A re-phrasing of the topic that offers some advantages might abandon the analogy of health and disease and remain more irreproachably on the social science level by borrowing a hint from the Marxists, who are in the habit of referring to pre-revolutionary situations and the necessity of recognizing them if one is to choose the right and hopeful moment for the intervention of a disciplined and instructed leadership. Or, for that matter, we might copy the educators who talk in these days of the reading-readiness of the child. We might make the enormous but congenial assumption that the paths of history lead inevitably to democracy, just as the people mentioned assume that reading will come sometime and that revolutions are ineluctable; this would lead us to ask what are the conditions that may help us to understand the varying patterns of life and government in Latin America.

The first thing to be noted is that most of the countries of Latin America contain large numbers of inhabitants who are not yet, as Sol Tax wrote in his excellent article on "Democracy in Middle America,"[2] "incorporated" in the social system; most of these countries have an extensive area claimed by the nation which is hardly effective national territory. The Indians of these areas scarcely think of themselves by the national name and have the vaguest idea of places beyond the reach of a day's walk. At best it can be said that they have democracy without its ideology, that in their internal arrangements life is simple, cooperative, and cannot be labelled fascist or totalitarian. However, it would probably be equally true to deny the description democratic. They simply live at a level of traditionalism and gerontocracy at which these modern tags we use are irrelevant, and the questions we raise are meaningless. Countries in which this situation is an important part of the picture might almost be better described by Ricardo Rojas' term "Eurindian," than as "Latin," for they are divided into two cultures, two ways of life, with, of course, some degree of crossing from one to the other. The crossing need not be biological; it is a matter of the language spoken, the clothes worn, the way money is earned and the degree of emancipation from pre-Columbian tribalism. This becomes a vivid reality when one hears the phrase, "When I was an Indian", being used.

It is only an act of realism on our part to recognize as the anthropologist does this element, unchanging and resistant, rather than dynamic and controlling, in the life of many Latin American republics.

Even in this part of the population, despite justified claims that some countries have more advanced labor legislation than we, or that others started national social security eleven years earlier than we and practice more social democracy, the common impression is that political democracy is more of a failure in Latin America than in some other parts of the world. There is something to discuss. And while refusing to admit that historians, political scientists and sociologists are entirely distinct species of animals, we can agree that they may well emphasize different aspects of a problem such as the state of democracy in our sister (or half-sister) republics.

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[2] *American Sociological Review*, Vol. 10, pp. 192–199 (April, 1945).

It is not mere prejudice on our part to believe that wide-spread illiteracy is under modern conditions a tremendous handicap in the attempt to operate representative government on a broad scale. It is nothing against either the goodness or the native intelligence of the analphabetic to recognize that access to information on national and international issues and the ability to use such information is a *sine qua non* of a tolerable democracy. Here again there is a variation that must be acknowledged, from highly literate Uruguay through a number of nations that are half unable to read and write to an extreme of approximately 80% illiteracy, largely due to the same Indian element in the population which has been stressed above in another connection. The number of university educated people who charm us by their wide-ranging conversation and seem so superior to our half-barbarian alumni, is after all pitiably small, and the secondary school students, with the full ambitious program of their *liceo* years, are only a tiny fraction of our millions of high-school teen-agers. Latin America has been slow to accept the idea of prolonged education for the masses and would find it economically difficult if it were accepted. She is trying still to be selective and aristocratic in education, in a day when both economics and politics demand the wide diffusion of skills and of literate political participation.

Obviously political literacy is more than a matter of years in school. In varying degrees the things that might be substitutes are also lacking. In the immense back country travel is slow and difficult, railroads do not penetrate, radio receiving sets are too expensive and movies are not seen. In spite of 400 years of settlement and exploration, there is an isolation unknown to England and Scandinavia and the United States. A sparse population may lend itself to frontier democracy, but it certainly does not help the functioning of a centralized national type of democratic government.

We are in the habit of saying that another of the conditions propitious to the development of democracy is the attachment of high values to individual personality. The Latin Americans have an enthusiasm for individualism to the extent of denying to the Yankees in all their standardized mass production any possession of this admirable trait. They do not study personality as our psychologists do, but make it a goal and a movement, personalism. The paradox of all this is precisely the reason why, in the opinion of the outside world, democracy is sick much of the time in Latin America. The cult of the outstanding personality, the vote for the man rather than for the party or the platform, is a denial of the essence of the democratic process in which people as a whole control their government. The *caudillo*, from President on down to local politician, is a Latin American institution which offers disquieting suggestions of the divinity-genius-leader in some governments that seem to us anything but democratic.

In a related category is the over-development, until it becomes a defect, of the virtue of family loyalty. Taking care of one's own (and they are likely to be numerous) leads to a lush growth of nepotism or *filhotismo*. It is most difficult for civil service ideals of competence and impartiality to make way against this deep-rooted tradition of giving practical expression of love and solidarity, in the case of one's kind. No reader of this journal is ignorant of the cases in our own country in which the payroll of government or labor is loaded with relatives, but it is believed that the difference between the Anglo-Saxon tradition and the Latin one is real, nevertheless, and worthy of mention.

Equally natural, but perhaps less laudable, is a disposition to look after oneself while in a political position that makes it possible, and to line one's pockets with the money of others who need something badly and are in a position to pay. Americans attempting to do business in Latin America may be particularly conscious of the different form this practice takes in another culture, and forgetful of tribute they may have paid in one way or another for the supposedly free services of the police, municipal permits, lobbying and its expenses for entertainment, kickbacks to the party, and actual buying of votes. The poverty of Latin American countries and the impossibly low salaries they pay government officials and employees may serve as a partial explanation or excuse of practices of "squeeze" and graft. At the same time the low national income and the many urgent problems, that graft makes impossible of solution, mean that an amount of graft which we might feel we could afford without crippling ourselves bulks proportionaly larger in Latin America. One cannot read Nathan Whetten's masterly exposure of the mordida in *Rural Mexico*[3] without agreeing that here is the great challenge to the practice of efficient democracy in that and many other countries.

Even an idealist might argue that among these urgent problems confronting most of Latin America there are some that take precedence over the niceties of democratic procedure, and that it is more important to bring food to the malnourished and hospitals to the sick and dying by whatever methods than to worry about constitutional forms. Life comes first and politics second. When the general level of getting and spending has been built up to the level we think of as middle class, democratic institutions will follow of themselves.

This glorification of the middle class, an image of ourselves as we like to see us, is part of that tendency, already noted, to identify all the things that are ours and are good and to treat them as logically and causally related. It is not just a trick that our minds play upon us. There is justification as far back as Aristotle for the conviction that government works best when the middle class predominates or at least when it can be the determining factor in politics. It is hardly necessary to add the obvious caveat that even the middle class may be perverted, deceived, or fail to seek the good life along the right road. Amid all the uncertainties of definition of this class, and the inadequacy of statistics on the subject, can one not say that the middle class by the 1940's was as highly developed in Argentina as anywhere in Latin America? Do we approve of the results?

To guard against the possibility of the middle class becoming the victim of its own emotions and frustrations or of the politician's slogans and manipulations, it needs a long practice on the small scale of "give and take" and in the responsibilities and rights of representative government. In our own history we stress not only the middle class, but its experience of local self-government, its town meetings and school boards. In spite of what may be said for the *cabildo* this is a tradition that is lacking in Latin America. Repeated interference with parliamentary practices that have been set up has not helped matters.

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[3] (Chicago, 1948).

The writer attended the first national meeting of the Brazilian Association of Writers just after censorship was eased. The only parliamentary order possible was secured by ringing a buzzer so loudly that no one could hear and thus silence would be forced momentarily so that the intolerable din of the buzzer would cease. Brazilian friends explained half in jest that in fifteen years of the Vargas regime they had forgotten how to conduct a parliamentary session.

Living in societies such as these and reflecting on their history have led some to apathy or cynicism about government. Neither indifference nor distrust of politics seems, however, to be the dominant impression. Freedom and democracy remain words to conjure with in Latin America. Few are those who dare to speak up in the literature and philosophy, that in Latin America are so close to politics, for any ideal other than the generous one of humanity and democracy. If countries are defined by the goals they set themselves, our neighbors are democrats. Students acquire their ideologies and the action patterns that express them along with their freshman textbooks or before. They are far more idealistic than our own youthful hedonists and are prepared for sacrifices of professional opportunities (when the universities are closed by authorities), of imprisonment (so common an item in the biography of the socially minded intellectual) and even of life. It would be less than just to men and women who suffer so freely for their ideals to leave the matter with the complacent statement that we have democracy, while they have the "pathology of democracy." Democracy in a world of human frailty is imperfect everywhere, but there is a restless striving toward it in Latin America, and men and women as intelligent, honest, and as devoted as anywhere in the world, are working unselfishly for an objective that unites good men everywhere—a people fit to govern themselves and a government of and by and for themselves.

COMMENTS

Additional comments on the papers in this symposium were made by Professor Paul C. Bartholomew of the University of Notre Dame and Professor Federico G. Gil of the University of North Carolina. Professor Bartholomew observed that while "form is not enough," more attention might have been given to the status of the parliamentary system in such countries as Chile and Uruguay, where it has operated with some success. Additional attention in the papers might also have been directed to the ways and means by which the United States could help in laying an economic framework for Latin American democracy.

Professor Gil's conclusion, in his own words, was as follows:—Toward the end of this "junta de médicos" (to borrow a Spanish expression) in which a group of capable doctors have been trying to diagnose the ailment of a very sick patient, an *enfermo grave,* this critic feels like that extra doctor, who although he has not studied the case as thoroughly as the others, is called in because he is a close relative of the dying one or because he has known him all his life. Born a Cuban, he has witnessed this "death" all his life, and perhaps he can glimpse a group of viruses which fight, not toward death, but toward ultimate recovery.

For Doctor Whitaker the main thing that was wrong with the patient was the fact that efforts to introduce or foster democracy have been accompanied by changing conditions of the thing to be introduced and that at any given moment these concepts, in his opinion, have been entirely vague or formless, or if concrete, have been subject to violent disagreement among professed democrats. Doctor Fitzgibbon pointed out a series of factors bearing on the condition of democracy and listed them as follows: the lack of integration of the Indian; the low standard of living; illiteracy; disdain for politics and politicos; censorship; the condition of the political parties; the nature of the elections; the condition of the courts; the attitude toward social legislation; and the relationship between the government and the military. The medicines he prescribed were: economic growth of the area which in turn will demand political stability; industrialization, since it will develop an urban working class; and development of education and a raised standard of living.

Doctor Mosk in his examination found four great evils: the system of land tenure; mono-culture; low standards of living; and large foreign investments. His prescription included scientific land reform, diversification of products which would bring independence from foreign business decisions, and industrialization, and he indicated that Point 4 of the Truman Program could be a miraculous drug. Doctor Crawford in his discussion found some factors similar to the ones studied by the others: existence of segments of population not yet incorporated; widespread illiteracy; over-development of family loyalty; practices of "squeeze" and graft; and a lack of experience in self-government. However, Doctor Crawford doubted, at times, the existence of a real ailment and his prescription pointed out that if freedom and democracy do not denote a perfect state of health they rather are goals. Defined in terms of goals, Latin America *is* democratic, and not too sick.

Without disagreeing basically with the diagnosis rendered and without pretending to ignore the seriousness of the disease, one might advance two or three reasons for taking a more optimistic view of the patient's future than is present in the preceding verdicts. One cannot, in the first place, deny the indubitable existence of what can be called an "unwritten social constitution" in Latin America, emanating from the heritage of the various peoples making up its population, but especially from those of Spain and Portugal. This element cannot be easily trapped under the microscopes of history. It floats invisible through Latin American bloodstreams. But no matter what centralizing forces or what tyrannical religious, economic, or political pressures are brought to bear, none of these forces or pressures is quite able to break down the inherent individual love of liberty ever present in the social, political and religious customs and folkways of the Latin American peoples. The greatest strength in the "unwritten constitution" might well reside in this great immunity of the Latin American spirit to tyranny.

Again, the papers presented have not sufficiently recognized the fact that the basic political problem of Latin American nations has not always been that of democracy versus lack of democracy. Unfortunately, perhaps, the problem of Latin America has been the primary one of getting along in an orderly or semi-orderly way under any political system. A great Latin American thinker, García Calderón, made perhaps his most valuable contribution to Hispanic political thinking by recognizing this fact. There is, therefore, a more important problem, a more pressing issue, and that is the one of establishing an "orderly society," no matter whether founded along the lines of democratic or undemocratic structure. From this point of view, one cannot deplore Bolívar's way of thinking. The Great Liberator maintained that Hispanic America was not ready for democratic institutions, and that first of all politically inexperienced and diversified peoples would have to find some method by which they could live together in peace. To him the democratic or undemocratic aspects of such a method were unimportant. Here Bolívar reached the heights of Latin American realism at its best.

A third factor is the profound and significant transformation which Latin American political thought has undergone since the First World War. There has been considerable emphasis on such problems as labor, the family and the child in all the recent fundamental laws enacted in Latin America. There has also been a good deal of effort, not only in the constitutions adopted, but also in the political writing, to find ways and means of giving strength to the essential political guarantees of the individual.

Furthermore, there has been a vast improvement in all the writings that have come out of Latin America in recent years in the field of the social sciences. With the better quality of work done in sociology, economics, history, political science and jurisprudence has come what some may consider an even more significant development, a somewhat greater degree of independence from European and North American writers and influences. As an example, the Cuban Constitution of 1940 might be cited. Here is a highly original document which makes an honest attempt to fit the particular needs of the Cuban people. Ten years is too short a period in which to judge its worth, but its existence makes it an important factor in increasing an awareness of national personality. The great volume of political writing coming out of modern Cuba shows a definite trend away from those foreign influences once so firmly entrenched. Cuba is merely one example of the manner in which all the republics are striving toward a more realistic political thought based on national needs.

It is possible therefore to conclude that Latin America as a whole is groping toward a more realistic basis of political thinking in terms of its own environment, conditioning circumstances and peoples. The long-established practice of blindly following the foreign gods is slowly, but effectively, breaking down.

NEWS AND NOTES

PROFESSIONAL CONFERENCES

*Forty-fifth Annual Meeting of the American Political Science Association: the Program**

The Forty-Fifth Annual Meeting of the American Political Science Association was held December 28–30, 1949 in New York City. Headquarters were at the Hotel Roosevelt. Most of the sessions relating to international relations were scheduled at the Hotel Astor. Total attendance was in the neighborhood of 1500, several hundred in excess of any previous annual meeting. The number of persons simultaneously attending the various sessions was approximately as follows: First afternoon, 1015; second morning, 1275; second afternoon, 830; third morning, 650; third afternoon, 625.

The program in terms of the number and diversity of the individual sessions was by a substantial margin the most extensive in the history of the Association. This was probably an important factor in attracting the larger attendance. Over 80 separate events were scheduled, and all of these were held as planned. Apart from three or four instances the attendance at each of them was substantial. Except for those held in the five large rooms, the great majority reported "standing room only," and in a considerable number of instances it was impossible even so to accommodate all those desiring admission.

A program as extensive as this obviously demands a rationale. On a purely quantitative basis, the enlarged attendance is itself a reasonable criterion. More important is the fact that it was possible to schedule about 350 different participants, this in itself constituting something of an achievement. In general any member with a special subject interest could at all times find a section meeting or round table in his field.

Qualitative judgments are less easily arrived at, especially as no one person could possibly have attended more than a small fraction of the meetings. There is a presumption that such widespread participation could only be at the expense of quality, but the presumption is at least worth challenging. Other important factors enter into the problem of assuring high level papers and discussions—such as the possibilities of subsequent publication, the selection of challenging and important subjects for the meetings, the identification of participants who have something of high significance to contribute and the will to contribute it. It was the view of the Program Committee that section meetings with formal papers tended toward a somewhat higher quality product than the round table, and this former type was favored in the majority of instances.

There is always the alternative approach to program building—the adoption of a central theme and the scheduling of a few carefully chosen subjects bearing upon it. The American Economic Association, for example, followed this pattern this year. About 25 sessions listed approximately 125 different participants—slightly more than one-third the number listed by the American Political Science Association, although the economists have a considerably larger membership. Obviously this more conservative type of program building results in sessions at which the scheduled participants in a sense perform before an audience. The prestige implications in such participation are probably greater. The acute consciousness of conflicting sessions, and the sense of individual frustration through being unable to attend many sessions which one would desire, are held to a minimum. It would be worth-while from time to time for our Association to give this type of program a trial.

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* Mimeographed copies of the annual program for 1949, revised after the Annual Meeting, may be procured from the Secretary-Treasurer of the Association.

In building this year's program, the Program Committee adopted certain objectives. The most important was the search for subjects for the luncheons and individual meetings that in a very real sense represented the important frontiers of political science. Not only would such subjects provoke interest but their exploration at the Annual Meeting would advance materially the knowledge about the subjects and the analysis of them. The ones selected were chosen from a list of about 175 culled from many quarters—suggestions by members of the Association and the Committee, a study of earlier programs—both for gaps and for unfinished business. Ultimately the most fruitful source proved to be the areas and topics identified as important by the subject field panels sponsored by the Association's Research Committee. Thirty-four of the forty-eight themes were of such a nature. It can accordingly be said that the program rested upon a broad intellectual base and emerged from sustained group thinking. For example, the session on "Post War Constitutions" followed the recommendations of the Research Committee's Panel on Comparative Government in that the approach was not by the separate constitutions but by consideration of the cardinal aspects of all the constitutions—the cabinets, the electorate, the legislatures, functional and local autonomy. Among the many other subjects which may be traced to the same origin are: "The Nature of National Strength," "Religion and Democracy," "Mass Media and the Study of American Politics."

A second objective was to make the program especially worth-while to the younger members. Each chairman of a section or round table was urged to include at least one such among the participants. The result was highly gratifying, not only because of the number so included but also by virtue of the worth-whileness of their contributions. The participants in one entire integrated sequence—"The Bases of Political Science"—were largely made up of the younger group.

The most striking expression of this second objective was the institution on an experimental basis of informal discussions, each led by two of the "senior members" of the Association and open to not more than fifteen of the younger men. Seventeen such discussions were simultaneously scheduled and all of them were well attended. Subsequent canvassing of the participants indicated virtually unanimous and frequently enthusiastic approval of the innovation. Some of the groups passed resolutions requesting a continuance of the practice. The favorable response from among the senior members to the initial invitations to participate was unanimous as regards those planning to attend the Meeting. Thus was restored at least a small measure of the intimate quality of the meetings in the Association's earlier years.

A third objective was to obtain diversified participation—by regions, by age and sex, and by occupation. It should be mentioned that no less than 35 participants were from the West—itself an evidence of the success which has attended the efforts of our membership in that part of the Nation to advance the interest in political science and to contribute toward its development. Sustained pressure was exerted in the direction of increasing the amount of time available for audience participation, but with only moderate success. In part this effort was frustrated by the chronic malady of late starting times. Chairmen were requested to limit severely the number of formal papers and discussants, but were often unable to withstand the exigencies of other pressures—internal and external—looking toward the addition of a person or a sub-topic.

The Association's Committees on Research, the Advancement of Teaching, Participation in Politics, and Political Parties each assumed responsibility for a panel discussion or open meeting, at which progress reports were rendered. It seemed to the Program Committee that the occasion of the Annual Meeting lent itself to this type of recognition of committee work, and that the membership, as a whole, would appreciate the opportunity thereby afforded. Where these sessions were carefully organized in advance, they were highly successful. Those which relied upon a more informal give and take between committee members and audience were less satisfactory.

The policy of providing a certain number of integrated sequences permitting sustained attention to one topic or related topics was reasonably successful. This was most noteworthy in the case of the series on "Liberty vs. Authority in an Age of Revolutionary Change," which owed much to the fact that it had been planned in detail as an integrated whole before the chairmen of the individual meetings were invited. The series of sessions on the "Hoover Commission" and the "Role of the United States in Its World Setting" were more topical in nature. As such they made less demand upon their audiences and participants for continuous attendance. The fourth sequence on "The Bases of Political Science" revealed such a fundamental cleavage between the positivists and the philosophers as to impair its original broad objective. While most participants seem to have felt it worth-while in some measure, it is now clear that these sessions could have succeeded in the short time available only if the participants had shared certain common assumptions. The device—used probably for the first time—of continuing the subject of the luncheon address in a meeting immediately thereafter was apparently completely successful. Four subjects—"Post War Constitutions," "The Effective Scope of State Activity and Autonomy," "Judicial Organization and Administration," and the "Democratization of an Occupied Country"—were selected as warranting and requiring two sessions each.

Apart from the anticipated criticism of "too many meetings," unfavorable comment was largely confined to the inadequacies of accommodations and arrangements relative to the unprecedented strain imposed upon them. Suggestions of this sort belong, not to an account in the REVIEW, but to memoranda to next year's committees.

Certain other aspects call for some comment. The opening general session again vindicated itself and may now be regarded as established practice. The tea for women political scientists was a pleasant occasion. The general session the first evening was marked not only by a worthy presidential address, but also by the awards for works of distinction in a ceremony of dignity and educative value. The following awards were made:

Woodrow Wilson Foundation Award for the best publication of the year in the field of government and democracy, to V. O. Key, Jr., for *Southern Politics in State and Nation* (New York: Knopf, 1949), on the recommendation of a panel headed by Professor William Anderson.

Wendell Willkie Memorial Building Award for the best publication of the year in the field of international relations, to Leo Pasvolsky, as the Director of the International Studies Group of the Brookings Institution, for the direction and editing of *Major Problems of United States Foreign Policy, 1949–1950* (Washington: Brookings Institution, 1949), on the recommendation of a panel headed by Professor Kenneth Colegrove.

Franklin D. Roosevelt Memorial Foundation Award for the best publication of the year in the field of government and human welfare, to David E. Lilienthal, for *This I Do Believe* (New York: Harpers, 1949), on the recommendation of a panel headed by Professor John M. Gaus.

Liaison with the high schools was maintained through again scheduling two joint sessions with the National Council for the Social Studies.

Did the Annual Meeting reveal anything as regards the broader trends in political science? In so far as the subjects considered were carefully and democratically chosen they may be regarded as themselves some indication. Attendance at the respective sessions sheds some additional light, although such attendance was undoubtedly affected by considerations other than subject interest—considerations such as the presence of certain "drawing cards" among the speakers or the chance of a convenient location. Even after discounting such considerations, it seems unmistakably clear that the interest in political theory, in political behavior, in public opinion and political parties, and in the current American-Soviet clash, is exceptionally strong. The panel meeting on "The Future of the Parties" was the best attended single session, apart of course from the general sessions. No field seems to be without a considerable following, although state, local and municipal government, comparative government and public law, and even public administration, may have lost ground relatively speaking. International relations and law, the legislative process, regional and country studies were all well supported. The diversified and stimulating joint meetings in the border line fields all attracted their share of political scientists, although the attendance was naturally greatly augmented through joint sponsorship by the sociologists, economists and geographers. The really great interest in relating religion and politics doubtless surprised many. The luncheon meeting on "Religion and Democracy" was the best patronized of the three, and the section meeting on "Church and State" could not accommodate all those wishing to attend. Entirely apart from the meetings jointly sponsored, there were many other instances of the use of scholars from sister disciplines to enrich the subject at hand by their own special insights.

The Annual Meeting at its highest and best should be the Association publicly and cooperatively facing the important and difficult problems of the contemporary political world. This year's program, and any subsequent program, must be judged by the extent to which it accurately identifies these problems, examines the tools with which they must be analyzed, and enlists a constantly rejuvenated stream of creative minds in these tasks—not only during the sessions themselves but also in the years ahead.—ERNEST S. GRIFFITH. *Program Chairman*, 1949.

Forty-fifth Annual Meeting of the American Political Science Association: Transactions of the Executive Council and General Business Meeting

The Executive Council of the American Political Science Association convened at the Hotel Roosevelt in New York City at 9:00 A.M. Tuesday, December 27, 1949, with the following members present:

President	Quincy Wright
Vice-Presidents	Carl J. Friedrich
	Charles M. Kneier
	Donald C. Stone
Managing Editor	Frederic A. Ogg
Managing Editor Elect	Taylor Cole
Secretary-Treasurer	Harvey Walker
Executive Council	George Graham
	Llewellyn Pfankuchen
	John A. Vieg
	Belle Zeller
	H. F. Alderfer
	Merle Fainsod
	Joseph M. Ray
	J. B. Shannon
	Robert K. Carr
	Albert Lepawsky
	Harvey C. Mansfield
	Carl B. Swisher.

President Quincy Wright opened the meeting by giving the Council an oral report of his activities as President during the year 1949. He emphasized particularly his activities in connection with the formation of an International Political Science Association under the auspices of UNESCO. He reported that eventually there would be 5 or 6 such organizations in the social sciences. There are now 5 national political science associations: Canada, India, Great Britain and France, in addition to our own. It is expected that similar groups will be formed in the near future in a number of other countries. The draft constitution adopted by a meeting in Paris at which existing national groups were represented will go into effect when agreed to by four national groups. The American Political Science Association has voted to adhere to the new organization and to pay the minimum dues of $200. The provisional Executive Committee of the international group has selected Paris as headquarters and offices will soon be established there, probably in connection with the Institut des Sciences Politiques. President Wright is serving as chairman of the provisional Executive Committee.

Secretary-Treasurer Harvey Walker presented his annual report which showed that the operations of the Association for 1949 had been concluded with a surplus for the year of $535.13. The permanent endowment was reported as $7,558 and the invested reserve as $15,017.62. It was reported that there was a balance in the grant from the Carnegie Foundation amounting to $2,158.53 which is allocated to the use of four Association committees.

The membership of the Association was reported to be 5,140 as of November 30, 1949, a gain of 313 over the same date in 1948. Most of the gain occurred in the associate and subscriber categories. Officers and members were urged to continue their efforts to bring the Association to the attention of eligible persons so that the membership might be sustained.

The result of two mail votes taken during 1949 was reported to the Council. In the first of these, Professor Taylor Cole was named Managing Editor of the AMERICAN POLITICAL SCIENCE REVIEW to take office at the close of the 1949 meeting. Budgetary provisions for the Managing Editor's office also were approved. In the second mail ballot the Council voted to adhere to the newly formed International Political Science Association and appropriate $200 for the first year's dues.

The Secretary-Treasurer reported that a Personnel Service compilation of 178 names was mailed to chairmen and deans at more than 300 institutions all over the United States in March. A Personnel Service desk for the convenience of members was maintained at the Annual Meeting. The report of the Secretary-Treasurer was received and placed on file.

Professor Walker invited the attention of the Executive Council to the fact that his term of office was to expire at the close of the 1949 Annual Meeting. On motion of Managing Editor Ogg, seconded by Harvey Mansfield, Harvey Walker was re-elected to the position of Secretary-Treasurer for a term of one year.

Professor Roscoe C. Martin presented the report of the Committee on the Establishment of a Washington Office. He pointed out that his Committee had been appointed to implement a recommendation made by the Committee on Constitutional Structure at the annual meeting in 1948, at which time the Association approved in principle the project proposed by this Committee for the establishment of an office under a full-time Director in Washington, D.C. The earlier Committee suggested a budget for such an office of approximately $40,000 per year, about $27,500 of which it would be necessary to raise from new sources. Professor Martin's Committee examined the experience of other national associations with Washington offices and investigated the possibility of foundation support. While no definite commitments were secured from any foundations, it was felt that there was a possibility that some money might be obtained from this source provided the Association first showed the earnestness of its intentions by increasing its schedule of dues. A much more modest budget amounting to not over $20,000 per year was suggested by the Committee as about the maximum which might be expected under present conditions and it suggested that, in order for this amount to be raised, it would be necessary to increase the membership dues. Professor Martin pointed out that the conditions of the Association had changed somewhat during the year, due to the approval of the report of the Committee on the REVIEW. His committee felt that it would not be wise to interfere in any way with the decisions already made in that connection.

After full discussion, first, as to whether the Council felt that it would be worth-while to approve an office with a modest budget of not over $20,000 per year and, second, as to how this sum might be raised, it was voted on motion by Professor George Graham that the project be approved with the target date for setting up the office to be January 1, 1951. On the second point, the Committee proposed a new schedule of dues which, after discussion and amendment, was accepted. Effective January 1, 1951 (bills for which would be mailed in the fall of 1950) dues for the following classes of membership would be at the following rates:

Life	$250.00	(payable in a single sum or 10 consecutive $25.00 annual installments)
Regular	10.00	
Student	4.00.	

No change was proposed in the rates now being paid by subscribers, family members or contributing members.

A Sub-Committee composed of Professors Roscoe C. Martin, Harvey Mansfield and George Graham was appointed to prepare a resolution involving the necessary constitutional changes for presentation at the Annual Business Meeting. This Sub-Committee reported the following Resolution which was adopted and referred to the Business Meeting:

BE IT RESOLVED THAT:

We reaffirm the approval expressed at the last Annual Meeting of a substantially higher level of Association services to the membership, looking to a larger and better informed membership, more active participation in the affairs of government, and improved facilities for access to the resources of government offices—more specifically by the establishment of a permanent office in Washington under a full-time director; and that

We authorize all steps needed to assure this goal at the earliest practicable date, by January 1, 1951 or earlier if possible; and that

As an earnest of our intention to support this move, and to aid in securing adequate financing for it, we authorize a new schedule of dues effective December 1, 1950 as follows:

Life Members	$250.00
Contributing Members	25.00
Regular Members	10.00
Institutional subscribers to the REVIEW	6.60
Student Members	4.00.

Managing Editor Frederic A. Ogg presented his report covering the AMERICAN POLITICAL SCIENCE REVIEW for 1949. He indicated that Volume 43 included 1,243 pages of text, of which 230 were leading articles and 207 were symposia. He invited the attention of the Council to the change of page type size which had occurred in June with a consequent saving in cost of publication. His report concluded with the following paragraph with reference to the relinquishment of his editorial duties:

> On another occasion during the present meeting, the retiring Managing Editor expects to give some expression to his appreciation of the loyalty and tolerance extended him during twenty-four years by the Association, the Executive Council, successive Boards of Editors, and the political science profession generally. Two years ago, he instituted the change now taking place by asking that a committee be appointed to prepare the way for it. A committee was duly set up; the Executive Council approved its report; and all necessary arrangements have been made. During the committee's prolonged discussions, the Managing Editor gave such assistance as he could; and during later transitional months he cooperated to the best of his ability with those who are able to carry the REVIEW into its new period of development. He is by no means satisfied with the record of the past twenty-four years. Neither is he ashamed of it. At all events, he expects—and has ground for expecting—a higher level of achievement from his successor.

The report was received by the Council with genuine expression, through the President, of the gratitude of the Association for the many years of unselfish service which Professor Ogg had rendered in the post of Managing Editor.

Professor V. O. Key then presented a final report of the ad hoc Committee on the AMERICAN POLITICAL SCIENCE REVIEW. This report recapitulated the interim recommendations of the Committee concerning the change of editors. It was recommended to the Council that the Board of Editors consist of seven members for a one year term. This recommendation was approved on motion of Professor John Vieg, seconded by Secretary-Treasurer Walker.

The Committee further suggested that after the first three year term to which Managing Editor Taylor Cole was elected, future editors be elected for a two year term, and, also, that such editors be designated a full year in advance of their term. This suggestion was noted and placed on file, although no formal action was taken. The Committee likewise invited the attention of the Council to the change in the REVIEW from a bi-monthly to a quarterly, which had been approved by a mail vote in the spring. It was emphasized that this change would not effect any substantial reduction in the total volume size because of the change in format which allows more reading matter to be printed on each page and in view of the plan to include approximately 250 pages in each quarterly number.

Mention also was made in the Committee's report of the possible publication of a yearbook and of proceedings of the annual meeting, the first of which the Committee thought feasible, and the second not. No formal action was taken.

Managing Editor Elect Taylor Cole proposed to the Council the election of the following persons as the Editorial Board for the year 1950:

James W. Fesler, University of North Carolina, Associate Editor
Harold Zink, Ohio State University, Associate Editor
Frederic A. Ogg, University of Wisconsin

John N. Hazard, Columbia University
Sigmund Neumann, Wesleyan University
C. Herman Pritchett, University of Chicago
Frederick M. Watkins, McGill University.

On motion of Professor Belle Zeller, seconded by Charles M. Kneier, the persons recommended were elected for a one year term. Professor Cole also reported the appointment of Dr. Hugh Elsbree of the Legislative Reference Service of the Library of Congress as Book Review Editor and Professor Walter H. Bennett as News and Notes Editor for the 1950 volume. He reported that Duke University had generously provided him with office space and postage as well as secretarial services during the transition period. Secretary-Treasurer Walker was directed by the Council to express the appreciation of the Association to the President of Duke University for this courtesy.

The report of an ad hoc Committee on Nominating Procedures was given by Professor Edward Mead Earle of Princeton University, Chairman of the Committee. The report presented a thoughtful and constructive review of the procedures now in use and which might be used by the Association in the nomination of its officers. The Committee concluded its report with the following recommendations: (1) that the Nominating Committee be composed of 6 instead of 5 members with over-lapping two year terms of office; (2) that, in appointing members of the Nominating Committee, the President make certain that it is representative in nature; (3) that the advisory or preferential ballot be abandoned; (4) that the Nominating Committee present a single slate of candidates, and that members of the Association might submit additional names by petition or from the floor at the annual business meeting; (5) that the Association make provision in its budget for one meeting each year for the Nominating Committee. The report was received, the Committee discharged with the sincere thanks of the Executive Council, and the recommendations of the Committee were approved.

The following amendment to the Constitution of the Association was recommended to the business meeting for adoption:

Amendment to Article V, Paragraph 2 of

*Constitution of the American Political Science Association**

2. The elected officers shall be nominated by a Nominating Committee composed of (five) six members. (This Committee is authorized to canvass members of the Association by mail for suggestions for nominations. An incoming President shall appoint three members of the Nominating Committee for two-year terms. In order to put this section into operation the incoming President for the year 1950 shall appoint three members for one-year terms and three for two-year terms. The membership of the Committee should be representative from the standpoints of geographical distribution and of fields of professional interest. The Nominating Committee shall submit a single slate of candidates. Additional nominations may be made by any 10 members of the Association by submitting names of candidates to the Secretary-

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* New portions are underlined; old, omitted portions are bracketed.

Treasurer three weeks prior to the election, in which event the Secretary-Treasurer shall prepare a ballot to be voted on at the Annual Business Meeting. Additional nominations may be offered from the floor at the Annual Business Meeting.

At this point the Committee recessed for luncheon.

Following luncheon, Professor John Brown Mason reported for the Committee on Aid to European and Asiatic Scholars. His report was largely a summary of activities of the Committee, but it also contained the following recommendations: (1) that the Committee be continued for an additional year; (2) that the Council appropriate $100 for stenographic assistance and postage; (3) that the Committee continue stressing the need for books in many places and countries with special attention to political science publications in the former enemy countries of Germany and Japan. These recommendations were approved on motion of Taylor Cole, seconded by Llewellyn Pfankuchen. In the discussion of the report of this Committee, it was pointed out that the book project for CARE did not include materials in the field of the social sciences. On motion of Belle Zeller, the Secretary-Treasurer was directed to write the officers of CARE to call attention to the importance of including such materials in CARE library packages.

The Secretary-Treasurer reported that due to the absence from the country of Professor Pitman Potter, there was no report this year from the Committee on International Cultural Relations. President Wright indicated that his own report and that of Professor Mason supplied this deficiency.

The report of the Committee on Latin American Affairs was presented by the Chairman, Professor Russell H. Fitzgibbon. In the main, it was a record of activities, although Professor Fitzgibbon asked that approval be given to the publication of a series of monographs, provided this could be done without expense to the Association. He likewise desired assurance that, if funds could be secured for the project, the officers of the Association would administer them. It was pointed out that grants of this type had been administered in the past and that no special legislation was necessary for the purpose. There was general agreement that the Committee should proceed to investigate the possibility of foundation support.

The report of the Labor-Management Relations Committee, prepared by Professor Phillips Bradley of the University of Illinois as Chairman, was presented by the Secretary-Treasurer. This report was for information and the Committee asked for no action by the Council. Hence, the report was received and it was voted that the Committee should be continued.

The report of the Committee on Citizen Participation in Politics, of which Professor Ben A. Arneson of Ohio Wesleyan was Chairman, was also presented by the Secretary-Treasurer. After reporting its activities, the Committee recommended that it be continued; that attention be given to the possibilities of vocational aptitude or vocational interest tests to endeavor to determine what students or what type of students are best qualified to participate in public spirited political activity; that the Association and its members assist newly naturalized citizens in taking up their new responsibilities; that the Association take proper steps to protect those of its members who are engaged in legitimate political activity; and, finally, that the Association adopt as one of its long run activities the raising of the level of political intelligence and ethics. On motion of the Secretary-Treasurer, seconded by Professor Shannon, the recommendations of the Committee were approved.

Professor Elmer Schattschneider of Wesleyan University, Chairman of the Committee on National Political Parties and Elections, reported for his committee. He indicated that a statement had been issued by the Committee under the title "Outline of a Proposed Program for Party Responsibility, a Preliminary Draft for Discussion." This, he said, had been circulated within the profession and in political circles. It had served as a basis for discussion at a number of conferences. He reported that the Committee was now preparing its final report, which would be finished not later than May 1, and asked that instruction be given as to publication. Considerable discussion ensued in the Council concerning the need for a definite statement on publication policy to guide the committees of the Association. On motion of the Secretary-Treasurer, seconded by Taylor Cole, the matter of preparing such a statement of policy was referred to the Executive Committee of the Council, which is to be appointed by the incoming President.

Professor Belle Zeller presented the report of the Committee on American Legislatures. This was mainly a record of activities, but it was indicated that the Committee has in preparation an extended report which should be ready for publication by the close of 1950. The Chairman presented on behalf of the Committee a resolution which was adopted by the Council and recommended to the business meeting for action. This resolution if adopted will be sent by the Secretary-Treasurer to the chairmen of the appropriate committees of Congress and to the Librarian of Congress. The resolution reads as follows:

AMERICAN POLITICAL SCIENCE ASSOCIATION

Proposed Resolution on State Law Section for 1949

WHEREAS, there is in the United States at the present time a growing interest in the institutions of state and local government as a means of strengthening the democratic structure of which they are such an important part, and

WHEREAS, neither the forty-eight states nor the administrative departments and agencies of the Federal government can compile, individually and independently, without gross duplication of effort and consequent unwarranted expenditures of public funds, the comparative data and basic current information they need on the problems of state and local government, and

WHEREAS, the Congress and the Executive departments and agencies of the Federal Government, in the consideration of many public questions, are in need of the same type of information on state and local government, laws, and institutions, and

WHEREAS, the State Law Section of the Library of Congress, which formerly provided these services on an efficient basis, has in recent years been subjected to a series of drastic cuts in appropriations which have made necessary its abolition as a separate unit, and the discontinuance of numerous programs, some of which have been carried on for at least a quarter of a century,

Now, therefore, BE IT RESOLVED

That the American Political Science Association, at its 45th Annual Meeting in New York City, respectfully requests the Congress of the United States to provide financial support for the work in the state field adequate to permit the restoration of the State Law Section, as a central clearing house for information on all matters relating to state and local government, law and administration, including the preparation and publication of the State Law Index, the bill and act project operated in 1946–47, and in general, the development of a program commensurate with the needs of the Federal, State and local governments, and such private institutions as colleges, universities, libraries, and others, for the type of basic information which the Library of Congress is uniquely equipped to provide.

On motion of Joseph M. Ray, seconded by the Secretary-Treasurer, the Committee on American Legislatures was continued for 1950.

Professor John E. Briggs presented a report for the Committee on Regional and Functional Societies. This indicated that most of the geographical areas of the United States were now included in some regional grouping and that in each case these groups were holding stimulating meetings with a resulting enhancement of the status of the discipline in all parts of the country. He reported that the Midwest Conference had adopted a constitution and that it was now eligible for recognition by the Council as a Section. This recognition was unanimously extended by the Executive Council. In the discussion arising out of Professor Briggs' report, it was pointed out by the Secretary-Treasurer that the problem of jurisdiction among the regional groups might be profitably discussed by the Executive Committee of the Council and this matter was referred to the Committee for study and action. Albert Lepawsky suggested that the APSA should operate more closely with such organizations as the Federation of Atomic Scientists and other scholarly organizations in scientific fields. On his motion, seconded by John Vieg, the Council directed that a special committee be appointed to explore the possibility of developing such relations, particularly in the area of atomic energy and its control in peace and war. Following this action, it was voted that the name of the Committee on Regional and Functional Societies be changed to Committee on Regional Societies and that the Committee be continued for another year.

The Secretary-Treasurer presented the report of the Committee on the *Directory* at the request of the Chairman, Kenneth Colegrove. This report indicated that 1,916 of the 3,028 copies which had been published had been sold and that there was a current deficit in the *Directory* account of $2,522.43. The Secretary-Treasurer indicated that his office would continue to press the sale of the remaining stock. The Council voted that the Committee on the *Directory* be discharged with sincere thanks and that the Executive Committee of the Council explore the possibilities for financing and editing a third edition of the *Directory* for publication about 1953 or for the publication of periodic supplements or other means for keeping the Directory up-to-date.

Dr. Ernest Griffith reported for the Program Committee. He pointed out that the final program for the meeting was the Committee's report. He indicated some of the considerations which had guided the Committee in the formulation of the program and asked for discussion by the Council. In the ensuing discussion a number of principles were suggested and the Program Committee for 1950 was instructed to consider carefully the merits and difficulties both of a widely extended program such as that carried on in New York and of a more restricted program in which much greater stress might be placed on more scholarly papers. These matters were thought particularly important in view of the possible publication of a volume of proceedings. The report of the Committee was received and the Committee discharged with thanks and commendation.

Professor Marshall Dimock presented a report for the Committee for the Advancement of Teaching. Progress upon a comprehensive report was indicated and it was suggested that this document might be available for publication early in 1950. At the same time the Committee was seeking additional funds to finance further research before publication was undertaken. However, the Council was asked to appropriate $350.00 to enable the Committee to hold another meeting for final consideration of the proposed publication if the foundation funds were not secured. These recommendations were unanimously approved and the Committee was continued on motion by John Vieg, seconded by J. B. Shannon.

The report of the Committee on Nominations was presented by Past President Arthur N. Holcombe. He indicated that in 1948 the Association had voted that the report of the Committee be published in the October issue of the REVIEW. This required the Committee to reach some conclusion in June. The Committee therefore considered it inadvisable to attempt to canvass the membership as heretofore and held a meeting in Washington at which its obligations were discharged. A request for suggestions of possible candidates to be made by letter to the Committee, which appeared in the April issue of the REVIEW, had been productive of considerable correspondence and the Committee felt that the suggestions thus received, followed by discussion at its meeting, had enabled it to perform its duties adequately. Under the constitutional amendments adopted in Chicago in 1948, nomination was made for the office of President-Elect this year for the first time. Likewise, in view of the change from a Council of 15 members, 5 elected each year for a three-year term, to a Council of 16 members, 8 elected each year for a two-year term, the Committee suggested names of three persons for members of the Council for a period of one year and three persons for two years. The nominations were as follows:

President	James K. Pollock, University of Michigan
President-Elect	Peter H. Odegard, University of California
Vice-Presidents	Ralph J. Bunche, United Nations
	Oliver P. Field, University of Indiana
	Robert J. Harris, Louisiana State University
Members of the Council for one year	Ethan P. Allen, University of Kansas
	Hallie Farmer, Alabama College
	Matthew C. Mitchell, Brown University
Members of the Council for two years	Kenneth C. Cole, University of Washington
	John D. Millett, Columbia University
	Francis O. Wilcox, Staff, U. S. Senate Foreign Relations Committee.

On motion of Professor Ogg, seconded by the Secretary-Treasurer, it was voted to recommend the election of these nominees to the Business Meeting.

Professor Charles S. Ascher made an oral report as chairman of the Committee on Local Arrangments. Like the Program Chairman, he felt that the Meeting itself would be the best test of the efficacy of the Committee's activities. He invited attention to the experienced persons loaned to the Association by the New York City Convention Bureau and by the National Civil Service League. Appropriate action by the officers to express appreciation was suggested. He also made special mention of the tea arranged by Mrs. Dillon at the expense of institutions of the New York area for Thursday afternoon, December 29, at which Fannie Hurst was to be the guest of honor. Mr. Ascher reported that badges would be provided for the first time this year and he hoped that they would be helpful in facilitating contacts among members of the Association.

The Secretary-Treasurer read the report of the Committee on Awards submitted by Past President Arthur W. Macmahon. The Council received the report with thanks to the Committee and continued the Committee for another period.

The Secretary-Treasurer read the report of the Audit Committee which was comprised of Professor Ben A. Arneson of Ohio Wesleyan University as chairman, Professor Francis R. Aumann of Ohio State University, and Professor Cephus L. Stephens of Denison University. The Committee recommended that a special effort be made to dispose of the remaining copies of the *Directory*. It also suggested that, in the adoption of the 1950 budget, the Secretary-Treasurer should be authorized to make adjustments among budget items, provided the total appropriation is not exceeded; also that he be authorized to increase budget items where necessary to provide service to new members, provided total current receipts were not exceeded. The Committee reported that it had examined the audit report submitted by Lingo and Konkle and approved it. Furthermore, the Committee examined the books, records, and vouchers of the Secretary-Treasurer and found them in order. The report of the Committee, including the recommendations, was adopted on motion of Llewellyn Pfankuchen, seconded by J. B. Shannon. On motion of Jasper B. Shannon, seconded by Charles M. Kneier, the budget submitted by the Secretary-Treasurer, calling for total income of $39,537.08 and total expenses of $39,145.00, was approved. Donald Stone suggested that the Executive Committee of the Council take particular care during 1950 to supervise the expenditures of the Association in order to facilitate the transition from the present arrangements to a full-time Washington Office. This suggestion, which included the power to increase or decrease budget items, was unanimously accepted.

The Secretary-Treasurer reported that, pursuant to a vote taken in Chicago, he had made arrangements for the 1950 meeting to be held in Washington, D.C., on December 28, 29 and 30. The meeting of the Executive Council would be held on Wednesday, December 27. Headquarters will be maintained both at the Mayflower and the Statler Hotels. The program will be carried forward in both of these establishments.

Discussion ensued on a meeting place for 1951. On motion of John Vieg, seconded by Belle Zeller, the Executive Council voted unanimously that the 1951 meeting should be held in the San Francisco, California, area in late August or early September. The Executive Committee of the Council was given authority to institute negotiations for a 1952 meeting place, the meeting also to be held in August or September.

The Secretary-Treasurer submitted a request from the Citizens Committee for the Hoover Report for an endorsement of the Committee and its activities. While the Council expressed sincere interest in the work of the Committee in the discussion which ensued, no action was taken, although President Wright was asked to indicate this interest to the Committee on behalf of the Association.

A communication from Katharine Lenroot concerning the Midcentury White House Conference on Children and Youth was read. At the suggestion of Belle Zeller, it was unanimously agreed that the incoming President should, if he deems it desirable, appoint a representative of the Association to participate in the activities of this Conference. Father Wilfrid Parsons of Georgetown University had volunteered to serve ad interim and his report of the work of the organizing Conference was presented to the Council.

The Secretary-Treasurer reported that a request had been received for the publication of the series of pictures of presidents of the Association which was last issued in 1938. The matter was referred to the Executive Committee with power to act.

An invitation from the organizing secretary of the Third Inter-American Congress of Municipalities was read by the Secretary-Treasurer. This important assembly will meet in New Orleans, Louisiana, in May, 1950. The Council agreed that the Association should be officially represented and the matter was referred to the incoming President with power to appoint the necessary delegates.

A report on the Institute for Teachers of Government and Administration held at the American University in Washington, D. C., was presented to the Council. It was directed that a letter of commendation for the work being done be sent to the Institute by the Committee on the Advancement of Teaching.

President Wright presented a report for the Committee on Department of State Publications prepared by Professor Royden Dangerfield. The Executive Council approved the following resolution recommended by the Committee and referred it to the business meeting for action:

BE IT RESOLVED by the American Political Science Association, in annual meeting assembled,

1. That the Association express its appreciation to the Department of State for the publication of the first two volumes of *Documents on German Foreign Policy, 1918–1945* and its hope that there will be made available funds for the very early completion of the remaining volumes and for their early publication.

2. That the Association express its appreciation for the publication of the China White Paper and recommends similar publications on major foreign policy problems.

3. That the Association express to the Department of State its regret of the necessity to discontinue work on the *Hunter Miller Treaty Edition* and its hope that the Department will seek from the Congress funds for the completion of this invaluable set.

4. That the Association express its regret that the publication of *Foreign Relations of the United States* has lagged and that there is now a gap of seventeen years between the date of events and the publication of the documents covering them. The Association urges the Department to bend every effort to close this gap and to seek funds from the Congress for this purpose.

The Association endorses the proposed program of the Division of Historical Policy Research to publish the diplomatic documentation for the period from 1829–1860, which would fill the gap in the published documents on foreign relations. The Department of State is urged to give careful consideration to this project.

5. That the Association express its regret that the Department found it necessary to discontinue, in June of 1949, the publication of *Documents and State Papers*. This publication filled a need of scholars by making possible the publication of more complete documentation. It is hoped that the discontinuance of this publication does not mean that the publication of current documents on foreign policy is to be slighted in the future.

6. That the Association express to the Department its appreciation for the quality and coverage of the *Department of State Bulletin*. This weekly has come to be a standard source on current problems.

7. That the Association request the appropriate committees of the United States Senate and the House of Representatives to appropriate funds to the Department of State for the purpose of providing a more adequate program of scholarly publications than was possible under the appropriations for the past calendar year.

8. That the Association request the Senate Committee on Foreign Affairs seriously to consider the publication of treaty volumes with a view to bringing Malloy's *Treaties* up to date.

9. That the Secretary of the Association be directed to bring these resolutions to the proper officials of the Department of State and of the Committees of the houses of Congress.

There being no further business to come before the Executive Council, it was adjourned at 10:30 P.M.

The General Business Meeting of the Association convened at the Hotel Roosevelt in New York City at 4:30 P.M. on Friday, December 30, 1949, with approximately 150 in attendance.

President Quincy Wright presided. The Secretary-Treasurer gave a summary of the actions taken by the Executive Council at its meeting on December 27. President Wright then presented an oral report upon his activities as President of the Association, stressing his work in connection with the formation of an International Political Science Association.

The Secretary-Treasurer presented a report on Association finances and membership.

Professor V. O. Key gave a final report for the Committee on the REVIEW, based on a similar report which he had made to the Executive Council. He called upon members of the Association to communicate ideas concerning the Review and to send good manuscripts suitable for publication to the Managing Editor. The Managing Editor, Frederic A. Ogg, then arose to present his final report in that capacity and received a standing ovation from those present. He expressed his appreciation for the assistance he had received during the 24 years he had served as Editor and indicated his complete confidence in the new Editor. The Managing Editor Elect, Taylor Cole, then made a brief statement emphasizing particularly the fact that Professor Ogg had agreed to serve as a member of the Board of Editors in order to give that body the benefit of his long experience. He also announced that Dr. Hugh L. Elsbree of the Legislative Reference Service of the Library of Congress would be Book Review Editor, and Professor Walter H. Bennett of the University of Alabama the News and Notes Editor during the year.

Professor Clarence Berdahl of the University of Illinois expressed his regret that the important and far-reaching decisions with reference to the REVIEW had been made without the benefit of extended discussion at a general meeting of the membership. President Wright, while indicating sympathy with this point of view, pointed out that the constitution of the Association placed the management of the REVIEW in the hands of the Managing Editor and the Executive Council and, in order to provide for an orderly transition, it was not possible to delay the decisions referred to until the annual meeting of the Association. President Wright pointed out that if the new system did not work satisfactorily, it could always be changed. Any opinions held by any member concerning the management of the REVIEW should be communicated to the Managing Editor or to the President.

Professor Roscoe C. Martin presented the report of a Committee which had been appointed at the beginning of the year to ascertain whether or not the necessary funds could be secured for the support of a Washington office. The Business Meeting in 1948 had approved the project in principle, subject to the determination of the availability of funds. Professor Martin reported on the organization and procedure of his committee and upon its findings. It seemed to the Committee that, even though funds were not available to support a Washington office on the scale envisioned by the Committee on Constitutional Structure in 1948, it might still be desirable to proceed on a reduced basis. A budget of $20,000 per year was considered feasible and the committee indicated that, in order to secure this sum, it would be necessary to find some foundation support and to make a substantial increase in the annual dues. The committee presented the following resolution summarizing its findings, which had been approved by action of the Executive Council:

BE IT RESOLVED THAT:

We reaffirm the approval expressed at the last Annual Meeting of a substantially higher level of Association services to the membership, looking to a larger and better informed membership, more active participation in the affairs of government, and improved facilities for access to the resources of government offices—more specifically by the establishment of a permanent office in Washington under a full-time director; and that

We authorize all steps needed to assure this goal at the earliest practicable date, by January 1, 1951 or earlier if possible; and that

As an earnest of our intention to support this move, and to aid in securing adequate financing for it, we authorize a new schedule of dues effective December 1, 1950 as follows:

Life Members	$250.00
Contributing Members	25.00
Regular Members	10.00
Institutional Subscribers to the REVIEW	6.60
Student Members	4.00.

The Secretary-Treasurer then read a proposed constitutional amendment which had been approved by the Executive Council to effectuate the proposals of the resolution. This proposed amendment was as follows:

> The Executive Council proposes the following amendment to the Constitution for the consideration of the business meeting:
>
> That Article III Membership, be amended to read as follows:
>
> 1. Annual Members. Any person may become a member of this Association upon payment of ten dollars and after the first year may continue as such by paying the annual dues of ten dollars.
> 2. Contributing Members. Any person paying annual dues of twenty-five dollars or more shall be a Contributing Member of this Association.
> 3. Life Members. Any individual paying dues of two hundred fifty dollars in a lump sum, or in ten annual installments of twenty-five dollars each, shall be a Life Member of this Association.
> 4. Student Members. Any graduate or undergraduate student registered in a college or university may become a Student Member of this Association upon payment of four dollars and after the first year may continue as such so long as he is so registered, by paying annual dues of four dollars.
> 5. Family Members. A second person in a family who desires to become a member may do so upon payment of two dollars, and after the first year may continue as such so long as there is another member in the family, by paying annual dues of two dollars. Each member, other than a Family Member, shall be entitled to a copy of each number of the AMERICAN POLITICAL SCIENCE REVIEW issued during his membership.

On motion of Professor Martin, seconded by Professor V. O. Key, and after considerable discussion, the resolution and constitutional amendment were adopted by an overwhelmingly favorable vote.

In the absence of Professor Edward Mead Earle, Chairman of the Committee on Nominating Procedures, the report of that Committee was presented by Professor Edward H. Buehrig of the University of Pennsylvania. This report was the same one presented to the Executive Council as summarized in the minutes above. The constitutional amendment there set forth and approved by the Committee was read and unanimously adopted.

On recommendation of the Executive Council and motion of Professor Royden Dangerfield, seconded by Professor Charles Aikin, the resolution set forth in the minutes of the Executive Council concerning the proposal of the Department of State was passed unanimously. Likewise, the resolution concerning the Library of Congress State Law Section, also as set forth in the minutes of the Executive Council, was passed on motion of Professor Everett Brown, seconded by Professor John Millett.

The following resolution was presented by the Secretary-Treasurer and adopted by unanimous vote:

> BE IT RESOLVED by the American Political Science Association assembled in its 45th Annual Meeting in New York on December 30, 1949,
>
> That we express our sincere appreciation for the extensive, informative and stimulating annual program arranged by the Program Committee under the chairmanship of Dr. Ernest Griffith of the Library of Congress, and that
>
> We express our sincere appreciation for the meticulous care and competent conduct of

the meeting arrangements made by the Committee on Local Arrangements under the chairmanship of Professor Charles S. Ascher of Brooklyn College, and that

We express our deepest appreciation to the New York Convention and Visitors' Bureau for the assistance furnished by it in connection with registration, and that

We express our sincere thanks to the National Civil Service League for the loan of personnel to assist in the management of the convention, and that

We express our sincere appreciation to the management of the Hotel Roosevelt for the highly efficient and competent way in which the facilities of the hotel have been managed during our occupancy.

Professor Arthur N. Holcombe presented the report of the Committee on Nominations as follows:

President	James K. Pollock, University of Michigan	
President-elect	Peter H. Odegard, University of California	
Vice-Presidents	Ralph J. Bunche, United Nations	
	Oliver P. Field, Indiana University	
	Robert J. Harris, Louisiana State University	
Executive Council	Kenneth C. Cole, University of Washington	2 year term
	John D. Millett, Columbia University	
	Francis O. Wilcox, Staff, U. S. Senate Foreign Relations Committee	
	Ethan P. Allen, University of Kansas	1 year term
	Hallie Farmer, Alabama College	
	Matthew C. Mitchell, Brown University	

President Wright asked if there were any nominations from the floor. As none were offered, Professor Clarence Berdahl moved that the Secretary-Treasurer be requested to cast a unanimous ballot for the persons named by the Nominating Committee. This motion was seconded and unanimously carried. The new President, Professor James K. Pollock, was presented by the retiring President Quincy Wright.

There being no further business, the meeting adjourned at 6:00 P.M.—HARVEY WALKER, *Secretary-Treasurer.*

The New York State Political Science Association held its third annual meeting October 14–15, 1949, at the University of Rochester. The program for the meeting included panel discussions on the topics, "The North Atlantic Pact and the United Nations," "The Welfare State," and "The Dalassandro Law and Its Effect on Teacher Training in New York State." Also featured on the program were an address by James K. Pollock of the University of Michigan on the topic, "The Hoover Commission Report," and an address by President Alan Valentine of the University of Rochester on the topic, "European Recovery." The Association adopted a resolution calling the attention of the American Political Science Association to the unpublished reports of the Hoover Commission, and putting itself on record as favoring the early publication of these reports. Officers elected by the Association for the year 1950 are: for president, William H. Edwards of the State University of New York, Teachers' College at Brockport; for members of the executive council, Howard Miller of Syracuse University, James A. Storing of Colgate University, Mrs. Geraldine Schuler of Elmira College, and Glenn G. Wiltsey of the University of Rochester.

The Southern Political Science Association held its eighteenth annual meeting in Knoxville, Tennessee, November 10–12, 1949, with approximately 150 persons in attendance. Round tables of the meeting were devoted to the topics, "The South's Stake in Regional Education," "The Church, the School, and the State," "Southern Politics in Review," "Four Powers and the Atlantic Pact," "Recent Developments in Latin American Governments," and the "Atomic Energy Program." The presidential address, by Lawrence L. Durisch of the Tennessee Valley Authority, was on the topic, "The States and Decentralized Administration of Federal Functions." Leonard D. White, who represented the American Political Science Association, addressed the meeting on the topic, "Political Science—Mid-Century," and Edward J. Meeman, editor of the Memphis *Press-Scimitar*, addressed the meeting on the topic, "Citizens in Politics." Officers elected at the meeting included Jasper B. Shannon of the University of Kentucky, for president; Paul W. Wager of the University of North Carolina, for vice-president; René de Visme Williamson of the University of Tennessee, for editor of the *Journal of Politics;* and Lee S. Greene of the University of Tennessee, for associate editor of the *Journal of Politics*.

The Western Political Science Association held its third annual meeting in Albuquerque, New Mexico, November 25–26, 1949. The program for the meeting included eight round tables, which were devoted to the following topics: "The Hoover Commission Report," "Why Not a Long-Term Plan for Western Resource Management," "Some Major Aspects of Contemporary International Relations," "Some Significant Problems of the Pacific Southwest," "Political Factors in the Development of Municipal Government in Western States," "Inter-American Affairs," "The Introductory Course in Political Science," and "University Research Bureaus as a Factor in Politics and Decision Making." Also featured on the program were addresses by Roscoe C. Martin, president of the American Society for Public Administration, and Ralph S. Trigg, president of the Commodity Credit Corporation and administrator for the Production and Marketing Administration of the United States Department of Agriculture. The latter spoke on the topic, "The Present Status of Farm Price Support Policies." James K. Pollock of the University of Michigan attended the meeting as representative of the American Political Science Association.

A conference on city and regional planning was held in Madison, Wisconsin, December 16–17, 1949, under the co-sponsorship of the Committee on the Regional Planning Course of the Graduate School of the University of Wisconsin, the University Extension Division, the Wisconsin State Planning Board, and the League of Wisconsin Municipalities. The primary purpose of the conference was to obtain the advice and counsel of professional planners in Wisconsin and elsewhere concerning desirable emphases and content of the University's developing program of training and research in city and regional planning. Participants included, in addition to professional planners and members of the University faculty, municipal engineers, public works directors and other officials directly concerned with planning functions.

The American Society for Public Administration held a southern regional meeting in Knoxville, Tennessee, on November 12, 1949. Featured on the program of this meeting were an address by Herbert Emmerich, director of the Public Administration Clearing House, on the topic, "Artificial Barriers and Natural Resources," an address by Lawrence L. Durisch of the Tennessee Valley Authority, on the topic, "Recent Trends in Resource Administration in the South," and an address by Ted Driscoll, assistant director for the Council of State Governments, on the topic, "A Resources Administration Program for the States." Also included on the program was a panel discussion on the effects of trends in resource administration on certain selected resource fields.

The International Academy of Political Science and Constitutional History, successor to the International Institute of Political and Constitutional History founded in 1936, recently held at the Sorbonne its first meeting since 1938. "The Concept of the Political Party" was the general topic for discussion at the meeting, which lasted for two days. The Academy decided at this meeting to resume publication of its monographs and its *Review of Political and Constitutional History*. Also, it elected officers and other members of its Directing Council for the period 1949–51. The new Council includes: for president, Julliot de la Morandière, dean of the Faculty of Law of Paris; for vice-presidents, R. Altamira (Spain), A. Alvarez (Chile), P. Bastid (France), G. Bourgin (France), C. Brinton (United States), René Cassin (France), J. P. Chamberlain (United States), P. Coste-Floret (France), R. Levene (Argentina), B. Mirkine-Guetzévitch (France), V. E. Orlando (Italy), P. Renouvin (France), Ph. Sagnac (France), E. Santos (Colombia), J. Sarrailh (France), André Siegfried (France), F. Van Kalken (Belgium) and E. C. S. Wade (Great Britain); for general secretary, H. de Montfort; for treasurer, J. Laferrière; other members, J. Augusto (Brazil), L. Boissier (Switzerland), P. Calamandrei (Italy), J. J. Chevallier (France), R. E. Cushman (United States), F. Dehousse (Belgium), C. Driver (United States), R. M. MacIver (United States), J. U. Neff (United States), F. A. Ogg (United States), V. V. Pella (Roumania), Z. Peska (Czechoslovakia), F. Pontiel (France), M. Prélot (France), P. B. Potter (United States), H. Puget (France), Sir B. N. Rau (India), G. Smets (Belgium), and M. Walline (France). The next meeting of the Academy will be held in Paris in 1950. The program for this meeting will emphasize the study of parliamentary government in the nineteenth and twentieth centuries.

The International Institute of Administrative Sciences held a conference in Lisbon, Portugal, September 3–10, 1949, with representatives from approximately fifteen countries in attendance. Among the subjects discussed at the conference round tables were central administration, international administration, education for public administration, and the problem of the "constitutional court." A special round table series was held by the Institute's committee on administrative practices. Papers on United States experience prepared for the meeting included a paper on central administration by John Millett, a paper on education for public administration by George A. Graham, and a paper on the constitutional court by Robert Horn. Americans present at the conference were William Hardy of ECA; Edward Litchfield, director of the Civil Administration Division of OMGUS; Alvin Roseman, United States special representative to the United Nations, Geneva; Walter Sharp of the College of the City of New York, now at UNESCO, Paris; Donald C. Stone, director of Administration for ECA at Washington; and Roberto de Jesus Toro, budget director of Puerto Rico. In cooperation with UNESCO, the Institute has undertaken a study of national participation in international organizations, in which twelve member nations of UNESCO have already agreed to participate. In addition, it has in prospect a number of projects to be financed by American and international agencies. The secretary-general of the United Nations has been authorized to contract with the Institute for administrative documentation and for exchange of administrative information, and the sum of $10,000 has been allotted for this purpose. This project is to be part of a larger program which was authorized by the Fifth Committee of the United Nations General Assembly, and which includes the establishment of an international training center in public administration. Also in prospect for the Institute is a contract with the American military authorities in Germany for using the Institute's resources in connection with the German Institute of Public Affairs recently established at Frankfort. Finally, the Organization for European Economic Cooperation, which is financed by ECA funds, is negotiating a contract with the Institute for services in exchange of information on administrative problems, with a view toward aiding in the improvement of national government administration in ECA countries, and thus toward furtherance of the European recovery program. The Institute has recently established new headquarters at 17 Place des Martyrs, Brussels. Its officers include: Oscar Leimgruber, chancellor of the Swiss Confederation, president; M. Edmund Lesoir, secretary-general; Leonard D. White, honorary vice-president; Herbert Emmerich, vice-president and secretary for the American Section; and Donald C. Stone, chairman of the Committee on Administrative Practices. Its eighth international congress of administrative sciences is tentatively scheduled to be held in Florence, Italy, from May 22 to June 2, 1950. Information relating to its activities may be obtained from the office of the secretary for the American Section, 1313 East 60th Street, Chicago 37, Illinois.—HERBERT EMMERICH.

A conference on the introduction and development of political science in German universities was held at Waldleiningen in the Odenwald September 10–11, 1949. It was called by the Hessian Ministry of Education with the cooperation and support of the Civil Affairs Division of the Office of Military Government.

In planning the agenda and personnel for the conference, the Ministry of Education had the cooperation of several American political scientists, present in Germany as visiting consultants. Among these, Karl Loewenstein of Amherst College was primarily responsible for the planning and execution of the program, and to his skill, understanding and diligent work the success of the conference is in no small measure due. Roger Wells of Bryn Mawr College, Taylor Cole of Duke University, and Sigmund Neumann of Wesleyan University, participated in the early stages of planning for the conference. Quincy Wright, president of the American Political Science Association, who was in Paris to attend a meeting to organize the International Political Science Association, consented to come to Waldleiningen to attend the conference and to deliver an address. E. E. Schattschneider of Wesleyan and Syracuse Universities, W. F. Sollmann of Pendle Hill College, and C. B. Robson of the University of North Carolina, also attended the conference.

The program of the conference was aided also by the cooperation of the French and British Offices of Education and Cultural Affairs in Germany. M. Schmittlein, director-general of cultural affairs, French Military Government, attended the conference and delivered one of the principal addresses. The British were represented by Thomas Jack and Harry Beckhoff. Robert Redslop of the University of Strasbourg attended the conference and delivered an address on the teaching of political science in French universities. More than ninety Germans attended the conference, including representatives from each of the universities and each of the *Land* ministries of education as well as many persons active in administration, in the courts, or in political life.

Although it is too soon to make a report on the subsequent steps taken to realize the conference's purposes, a few observations may be made. The conference attracted wide and, for the most part, favorable comment in the German press. News items appeared in the leading daily papers, followed by editorial discussion. In other periodicals, more extensive discussions appeared. The general content and tone of these notices and discussions recognized the purposefulness and urgent need for the extension of political science education throughout the German school system, including the universities and technical high schools. The difficulties envisaged in the realization of such a program were mainly those of lack of adequate financial resources, difficulties in obtaining access to the necessary scientific literature in the field, and the problem of securing properly qualified persons to occupy the university chairs which must be established. All of these problems were discussed at length in the conference itself. One of the most significant developments of the conference was the interest shown by representatives of the German universities in securing the aid of American and other foreign universities in connection with obtaining qualified political scientists as guest professors and in obtaining specialized literature that has appeared during the last seventeen years.

A temporary committee set up to carry through the proposals embodied in the resolutions of the conference has been organized with its secretariat in the Hessian Ministry of Education in Wiesbaden. Plans were made to hold a series of meetings of this committee in the winter months of 1950. A similar committee has been set up by the Rector's Conference of the German universities. This committee has had at least one meeting, and it is proceeding with its work in a systematic and purposeful way. A German edition of the full proceedings of the Waldleiningen Conference, based on a corrected copy of the stenographic transcript, is being published. Also, an abstract of the discussions at Waldleiningen has been published in English. Copies of this abstract may be obtained by writing to the Department of Political Science of the University of North Carolina.—C. B. Robson.

OTHER ACTIVITIES

Charles Fairman, professor of law and political science at the Leland Stanford Junior University, delivered the Gaspar G. Bacon lectures on the Constitution of the United States for the current academic year at Boston University, November 1–3, 1949. The lectures emphasized the service of Joseph P. Bradley as a member of the United States Supreme Court from 1870 to 1892.

Edward S. Corwin, professor emeritus of Princeton University, will deliver the William H. White Foundation lectures for the current academic year at the University of Virginia, April 18–20, 1950.

The Institute of Local and State Government of the University of Pennsylvania is sponsoring a series of fifteen bi-weekly conferences for public officials in eastern Pennsylvania and southern New Jersey. Each of these conferences is devoted to a separate subject, and includes a panel discussion, talks by outstanding practitioners, and a question session.

The Albany graduate program in public administration which is offered jointly by the Graduate Division of Public Service of New York University and the Maxwell Graduate School of Citizenship of Syracuse University is now being sponsored by the State University of New York.

APPOINTMENTS AND STAFF CHANGES

Hans Aufricht, assistant counsellor in the legal department of the International Monetary Fund, has been appointed lecturer in international relations and organization in the Graduate School of American University.

Wilfred E. Binkley, on leave from Ohio Northern University, is lecturing on politics at Oxford University under a Fulbright grant during the academic year 1949–50.

G. Robert Blackburn has been appointed to an instructorship at the University of Rochester.

Waldo Chamberlain has been promoted to a professorship in the Graduate School of Arts and Sciences of New York University.

Inis L. Claude, Jr., has been appointed to an instructorship at Harvard University.

Francis W. Coker, professor emeritus of Yale University, is offering courses at the University of North Carolina in the winter quarter of 1950.

R. D. W. Connor, senior member of the department of political science of the University of North Carolina, retired from active service on December 31, 1949.

Edward S. Corwin, professor emeritus of Princeton University, has accepted an editorship in the Legislative Reference Service of the Library of Congress.

Thomas J. Davy has been appointed as part-time instructor in the department of political science at the University of Pennsylvania.

Marshall E. Dimock is a visiting professor of political science on the Shinner Foundation at Occidental College for the spring semester of 1950.

John C. Donovan has been appointed to an instructorship at Bates College.

G. Lowell Field has been promoted to an associate professorship at Wayne University.

Oliver P. Field of Indiana University will be a visiting professor of political science at the University of Minnesota in the second summer session of 1950.

Russell H. Fifield has been promoted to an associate professorship at the University of Michigan.

Raymond W. Foery has been appointed acting director of the college collateral courses and the Summer School of the University of Pennsylvania.

Federico G. Gil has been promoted to an associate professorship at the University of North Carolina.

Albert Gorvine, formerly assistant to the director of the Graduate Division of Public Service of New York University, has accepted a teaching position at Brooklyn College.

George L. Grassmuck, formerly junior instructor at the Johns Hopkins University, has been appointed to an instructorship at Boston University.

Nathan Grundstein has been promoted to an associate professorship at Wayne University.

Harry Hawkins has been named director of the Foreign Service Institute of the Department of State at Washington.

Howard L. Jamison has been appointed to an instructorship at Wellesley College.

Robert H. Johnson has been appointed to an instructorship at Harvard University.

John B. Joynt has recently joined the staff of the Graduate Division of Public Service of New York University.

Chase Kimball is on leave from Boston University for study and research.

William McIntosh has been appointed to an assistant professorship at Tennessee Agricultural and Industrial State College.

William P. Maddox, formerly director of the Foreign Service Institute of the Department of State at Washington, is now assigned to Lisbon as first secretary and consul.

Linden Mander of the University of Washington will be a visiting professor of political science at the University of Minnesota in the first summer session of 1950.

Charles P. Messick has retired from his position of chief examiner and secretary of the New Jersey State Civil Service Commission after forty years of service.

Robert Mowitz has been promoted to an assistant professorship at Wayne University.

Rita W. Nealon has been promoted to an assistant professorship in the Washington Square College of Arts and Sciences of New York University.

William J. Newman, formerly of Pomona College, has been appointed to an instructorship at Boston University.

Peter H. Odegard of the University of California at Berkeley will teach at the University of Washington in the summer session of 1950.

Howard C. Perkins has been appointed lecturer in political science at the University of Pennsylvania.

Benjamin Rivlin has been appointed to an instructorship at Brooklyn College.

James R. Roach has been appointed to an instructorship at the University of Texas.

Charles B. Robson, professor of political science and head of the department at the University of North Carolina, spent the fall of 1949 in Germany, where he served as governmental expert for the Office of Military Government, United States Zone.

William C. Rogers, formerly of Western Reserve University, has been appointed to an assistant professorship in political science at the University of Minnesota.

Stephen Sarasohn has been appointed to an instructorship at Wayne University.

Hans Simons, dean of the School of Politics of the New School for Social Research, has been elected vice-president of the New School.

Paul T. Stafford, formerly associate professor of politics at Princeton University, has been appointed chief examiner and secretary of the New Jersey State Civil Service Commission.

Donald S. Strong has been promoted to an associate professorship at the University of Alabama.

Richard M. Swift has been appointed to an instructorship in the Washington Square College of Arts and Sciences of New York University.

Victor A. Thompson has been named acting chairman of the department of political and social science of the Illinois Institute of Technology.

John P. Trevithick has been appointed to an instructorship at Smith College.

John C. Wahlke has been appointed to an instructorship at Amherst College.

J. Harvey Wheeler has been appointed to an instructorship at Harvard University.

John B. Whitton of Princeton University was appointed by the vice-president of the International Court of Justice as one of eight neutral observers for the plebiscite early in 1950 to decide between French and Indian sovereignty over the French establishments of Pondicherry, Karikal, Chandernagor, Mahé and Yanaon in India.

Philip S. Wilder, Jr., has been appointed to an assistant professorship at Wabash College.

York Y. Willbern has been promoted to a professorship at the University of Alabama.

Elaine Windrich has been appointed acting assistant professor of political science for the winter and spring terms of 1950 at the University of Washington.

Charles Wolf, Jr., has accepted an appointment as foreign affairs specialist in the Division of Research for the Far East of the Department of State at Washington.

Arthur V. Wolfe, formerly principal examiner for the Civil Service Commission of the City of Chicago, became director of test construction for this Commission on October 1, 1949.

BOOK REVIEWS AND NOTICES

NATIONALIZATION OF INDUSTRY IN WESTERN EUROPE: RECENT LITERATURE AND DEBATES

I. GREAT BRITAIN

Nationalization of industry continues to be a lively topic of debate in Western Europe, in spite of the growing realization that the solution of the continent's larger economic issues is not at all related to nationalization. The irrelevance of nationalization can be seen in reading such a document as the *Economic Survey for 1949*,[1] which is both a national balance-sheet and an account of the main economic problems facing Great Britain as well as of the manner in which the British government intends to solve them. The basic problems appear to be those of manpower distribution, of the balance of international payments, and of the country's export aims. If nationalization is to contribute a major share to the solution of Great Britain's economic ills, this fact is carefully left unstated.

But the habit of politicians to cling tenaciously to issues which have proved fruitful in terms of votes, even when a fresh approach would be required, is a strong one. Inevitably, the forthcoming general elections are adding fire to the discussion, as each party presents its platform.[2] The majority party is still bent upon extending the frontiers of public ownership. The Labor Party's latest platform calls for the nationalization of water supply, of all minerals not already publicly owned, of meat wholesaling, of sugar beet production and sugar refining and of industrial assurance, while the chemical industry is to be "carefully examined." The Liberal Party accepts public ownership of coal, railways, gas and electricity, but would want to return road transport to private ownership and has serious doubts concerning the nationalization of iron and steel. The Conservative Party, while stating its opposition in principle to nationalization and promising not to promote it further, admits that not much can be done to return to private hands industries which have already been nationalized. "We refuse at this time of economic danger to aggravate industrial discord. We must insure that those in control of vital industries are not persistently distracted from their task of management by watching the political weather. We have therefore no other course but to leave some industries nationalized but we shall radically overhaul their organization to make them more human, less centralized and more efficient."[3]

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[1] (London: H. M. Stationery Office, 1949. Cmd. 7647. Pp. 63.)

[2] For the Labor Party, see *Labour Believes in Britain* (London: Transport House, April, 1949); for the Liberal Party, *Programme for Britain* (London: Merton House, April, 1949); for the Conservative Party, *The Right Road for Britain* (London: Abbey House, July, 1949).

[3] For a summary of party attitudes as well as for a brief account of the administrative structure of nationalized industries, see "Nationalization in Britain," *Labour and Industry in Britain*, Vol. 7, pp. 187–192 (December, 1949). This quarterly is published by the British Information Services, New York. In October, 1949, their reference division issued a *Short Reading List on Economic Planning in Britain.*

At the center of the current debates we find not the future extension of the boundaries of nationalization but the question of whether or not the last pledge of the 1945 Labor Party platform, the nationalization of the iron and steel industry, should be carried out. Through 1948 and 1949, nationalization of steel has loomed as a major political issue. Indeed, it has become a constitutional issue by developing into one of the major causes for the latest reform of the House of Lords.

The industry itself has attempted a more spirited defense of its right not to be absorbed by the state than the coal industry, which was never quite certain of its ground, or the gas and electrical industries, which were overtaken by technical developments and by the strong influence of the Central Electricity Board. At the end of 1945, the British Iron and Steel Federation, acting for the whole industry, offered a plan indicating the industry's awareness of the huge task of rationalization that lay ahead.[4] But it was clear from the beginning that no mere promise to perform well its allotted role in the British reconstruction program would stay the hand of a Labor government convinced that steel was at the core of a socialist program. As two spokesmen of the Labor Party, Wilfred Fienburgh and Richard Evely say,[5] there is no guarantee, if steel is not nationalized, that further expansion will be undertaken as soon as needed after the present expansion program is concluded. Nationalization is thus necessary "to increase the power of the people over the economic forces which rule our work and our play, our peace and our security." It is needed to lead both to a higher standard of living by making industry more efficient and to a more stable standard of living by helping to outlaw unemployment.

To these arguments, G. D. H. Cole[6] adds the moral one: "There is sheer indecency in making profit out of the instruments of death, and more than indecency in hawking them round the world and in maintaining 'lobbies' to push their sales in Parliaments, in Chancelleries, or in the courts of Kings and chieftains." Cole is happy that, in the instance of steel, morals and economics run together. But the economic arguments alone would have been decisive. Cole is exercised over the failure of the British Iron and Steel Federation to estimate adequately future needs in its 1945 plan. He finds a wide gap between the Federation's estimate of 1953 requirements of 15½ million tons of steel and his own estimate of 26 million, of which 6 or 7 million are to be used for exports. But the Federation goal for 1953 has already been attained in 1949. Furthermore, the *Economic Survey for 1949* does not estimate maximum current exports higher than 1.6 million tons. As we shall see, the record has tended to shift the case for nationalization of steel away from the efficiency and production arguments towards political and military ones. The value of Mr. Cole's contribution rather lies in his renewed admission of the need of an interim period between capitalism and his ideal of guild socialism, during which the management of nationalized industries cannot, of necessity, be placed in the hands of the workers themselves. To quote him:

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[4] *Iron and Steel Industry,* Reports by the British Iron and Steel Federation and the Joint Iron Council to the Minister of Supply. (London: H. M. Stationery Office, 1946. Cmd. 6811. Pp. 107.)

[5] *Steel Is Power: The Case for Nationalisation.* By Wilfred Fienburgh and Richard Evely. (London: Gollancz, 1948. Pp. 136.) Both authors are members of the Labor Party's research department.

[6] G. D. H. Cole, *Why Nationalise Steel?* (London: New Statesman Pamphlet, June, 1948. Pp. 48.)

> As a Guild Socialist, I believe that industry will not work really well until the responsibility for its efficient conduct is fairly shared with the workers by hand and brain, under conditions based on the recognition of every worker as a responsible partner in a democratically organized public service. I do not, however, regard it as practicable to leap straight from capitalism to such a system; nor do I undervalue the importance of trained technical and administrative ability, or the part played by leadership. What has to be worked out experimentally is the best way of reconciling the potentially conflicting claims of industrial democracy and of technical and managerial control, under conditions which will compel managers and technicians alike to pay much more regard than in the past to the human factor, because they will no longer be able to make the same use of the power of the sack.

Mr. Cole is aware of the French adoption of the principle of interest representation in the selection of the boards of directors of nationalized industries. Even though he prefers the advantage of the freer choice in the selection of competent administrators which the British system gives to the minister in charge, he thinks that there ensues under this method a diminished feeling of participation and responsibility on the workers' part. To the observer of both the French and British situations, it would seem that the workers' sense of responsibility is something quite separate from their sharing in the functions of management.

Some of the early exuberance which had led Mr. Dalton to quote H. G. Wells in an attempt to capture the spirit of the Town and Country Planning Bill,[7] seems to have vanished. Two years ago Professor Finer[8] found it possible to view with optimism the possibilities opened up by nationalization and to sum up the government's goals with a heavy accent on the ideals of the welfare state. Nationalization was supposed:

> (1) to make provision for the best reorganization of the industry, considering that the industry, its plant and possessions are social equipment for production and must be used to the maximum that brains and science permit; (2) to manage rather than regulate industries of a monopoly nature because regulation cannot penetrate deeply enough into the administrative vitals of an industry to secure maximum efficiency and minimum costs;

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[7] "For a moment I caught the vision of the coming City of mankind, more wonderful than all my dreams, full of life, full of youth, full of the spirit of creation." The incident is noted in John Jewkes' *Ordeal by Planning* (London: Macmillan, 1948), p. 105. Jewkes has carried on the battle started by Hayek in his *Road to Serfdom*. The Labor experiment in regulating the British economy is the major specific target of his book, as readable and as thoughtful an indictment of planning as has been published recently. However, there is a tendency to ascribe too many of the present economic ills of Great Britain to socialism and planning.

[8] Herman Finer, "Planning and Nationalisation in Great Britain," *International Labour Review*, Vol. 57, pp. 157–186 and pp. 283–299 (March, 1948–April, 1948).

> (3) to arrange a more equitable distribution of the product of the industry between the management and workers; (4) to make careers in any occupation open to talent; (5) to give the producers a say in the management of the industry and in their own personal position in it.

Today the emphasis is on the cruder aspects of power, political and military. The debate in the House of Commons on the second reading of the Iron and Steel Nationalization Bill[9] affords good evidence of the changed emphasis. The government, having satisfied itself that the "ubiquitous Dr. Gallup" was wrong when he asserted that the majority of the British people was opposed to the Bill, resorted to a defense of nationalization of steel which was well summed up by Sir Stafford Cripps with the three arguments of monopoly, planning, and strategic requirements. Indeed, the strategic argument represented the climax of the government's defense of nationalization. As Sir Stafford pointed out, "We cannot again, as we did before the last war, leave it to the chances of the interest of private enterprise to determine whether or not we shall have adequate capacity suitably located to provide our defense needs. Just as in the early days of our sea power it was found essential to the national safety for the state to own and run some naval dock yards, so today it is essential for our defense needs that the state should own a large part of the steel-making resources of the country so that they can be assured that the defense position is always safe-guarded." The Minister of Supply, Mr. G. R. Strauss, having stressed the need of ample capacity in peacetime, had, earlier in the debate, added that "security against possible aggression is unfortunately still a problem for us, and iron and steel capacity is still the best single index of the war potential of a modern state. For all these reasons it must be for the nation and not for private owners to decide what the capacity of the British iron and steel industry should be, and this again can only be done effectively if the nation becomes the owner."

These debates belong to the world of politics. They do not affect those charged with the actual administration of an industry once it is, for whatever reason, transferred from private to public ownership. The British administrative experience in the management of nationalized industries has revolved around the public corporation, the chosen instrument of British public economic policy. D. N. Chester, in his statutory analysis of nationalized industries,[10] finds that as between the statutory provisions governing the public corporations established prior to 1939 and those established since August, 1949, there are three obvious differences:

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[9] *Parliamentary Debates, House of Commons*, Vol. 458, col. 53–522. These debates which extended from November 15 to November 17, 1948, are an excellent example of British parliamentary work. Of all the parliamentary debates of Western European countries, only the British debates afford the possibility of witnessing the beginning, development and conclusion of an argument. They offer striking evidence of the superiority of the House of Commons in performing its proper task. Last but not least, they are the only ones to be printed in manageable and legible form and to be currently available in cheerfully bound volumes which should be used far more than they are as a source of primary importance.

[10] D. N. Chester, *The Nationalized Industries, A Statutory Analysis.* (London: Institute of Public Administration, 1948. Pp. 48.)

> a) There has been a considerable increase in the powers of the Minister to control and to interfere in the working of the corporation. There is, for example, no instance in the pre-1939 corporations of a Minister having the power to issue general directions . . .
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> b) the chairman and members of the post war boards are usually in a less independent statutory position. In the three pre-1939 corporations, for example, either the actual or the minimum term of office of a person appointed to the board was specifically stated in the act. The normal pattern for the post-1945 corporation is to leave the Minister free to deal with the question of tenure by way of regulation. The regulations so far issued normally fix a maximum (5 years) but no minimum, and also enable the Minister to dismiss the member if, in his opinion, the member becomes 'unfit to continue in office . . . ,' a very wide term.
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> c) the post-1945 corporations have less financial independence than their predecessors. The National Coal Board cannot even raise its own stock.

Only a good deal more experience can tell us whether Ministerial interference will become excessive, whether the less firm grounds on which the chairmen and members of post-war boards are allowed to stand means in effect a less satisfactory measure of performance on their part, and whether any significance is to be attached to the small financial independence of the recent public corporations. So far these three points do not seem to have affected in any practical way the operations of nationalized industries. Judging from the text of Ministerial directives printed in certain of the industry reports, Ministers have not used their powers indiscreetly. Nor have board members had reason so far to fear for their jobs. The British practice seems, as usual, to be adapting itself to the exigencies of good management.

Certain it is that the annual reports of the public corporations themselves give a strong impression of autonomous and viable administrative entities, at the same time sensitive to national policy requirements. The British Transport Commission has recently published its first annual report.[11] The Commission was able to find shelter in a modern office building "which stands over a busy station and in sight of the centre of government." Drawing inspiration from such a happy circumstance, the Commission managed to produce a report which is a monument of detail and which succeeds in conveying a feeling for the immensity of its task. As 1948 was the first year of operation of the Commission, the report deals with what is still the initial phase of the taking over of the British transport system. The National Coal Board on the other hand, in its latest report,[12] is able to draw upon several years of experience and to report on the handling of some serious administrative problems. Thus the Board comments on the shift which occurred in the middle of 1948 when some Board members were relieved of administrative duties: "Running the coal industry is not the same as fighting a war and the National Coal Board is not a War Cabinet, but the underlying principles of organization are not so dissimilar.

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[11] British Transport Commission, *First Annual Report, Statement of Accounts and Statistics for the Year ended 31 December, 1948*. (London: H. M. Stationery Office, 1949. Pp. vii–424.)

[12] National Coal Board, *Annual Report and Statement of Accounts for the Year ended 31 December, 1948*. (London: H. M. Stationery Office, 1949. Pp. ix–299.)

In the middle of 1948 the Board made a change in their top organisation by introducing a blend of departmental and non-departmental functions such as are found in latter-day Cabinets. Two of the Members of the Board, in addition to the Chairman and Deputy Chairman, were freed from departmental duties and were able to concentrate on general matters. A part-time Member was also appointed in place of a full-time Member and he too was without departmental functions. Other means were adopted for relieving the burden on those Members of the Board who remained in charge of Departments. The Board, which had previously met twice a week, henceforward only met once a week and between meetings its functions were discharged by a General Purposes Committee composed of the full-time Members without functional responsibilities."

Indeed the problem of administrative reorganization had become such a pressing one as to lead to the appointment by the Board itself of a committee to look into the organization of the coal industry, under the chairmanship of Sir Robert Burrows. When the Burrows Committee rendered its report (the substance of which is given in the Board's 1948 *Report*) many of its recommendations were accepted. But the Board did not accept the recommendation that the Divisional Chairmen should become members of the National Board, a step which would have resulted in a Board of nineteen members. The purpose of the recommendation had of course been that of improving relationships between the central and the divisional administrations. The Board felt that since its members are appointed by the Minister and are collectively responsible to him, whereas the members of a Divisional Board are appointed by the National Board to whom they are collectively responsible, a clear separation was necessary between them.

Progress was also made in the financial sphere. The Board could publicize results for 1948 rather more satisfactory than for 1947. The operating profits, after depreciation, were about £17.5 million. After various adjustments and after the payment of £15.7 million to the Minister of Fuel and Power as interest and interim income, a surplus was left of £1.6 million. The accounts, clearly printed in black and red type (to denote losses or deductions), offer the kind of financial report which must be expected from a government corporation for the information of the public.

II. ITALY

What goes under the name of "nationalization" in Italy is in effect a by-product of an emergency and unpublicized action taken by the fascist government in 1933, at the depth of the depression, to rescue the Italian banking system.[13] The consequences of fascist policy were: (1) that the nation acquired important industries which have not yet been nationalized elsewhere, such as steel, and others which presumably will never be nationalized, such as a large part of the engineering industry and all the shipyards, thereby saddling the government with the management of industries which by their very nature tend to be unmanageable; (2) that the holding company method was followed. The share holdings taken over by the government (representing in many instances less than 100% of the total number of shares outstanding, but in all important cases giving a controlling interest to the government) were all transferred to a public corporation known as the *Istituto per la Ricostruzione Industriale* (IRI). All the industrial and financial corporations taken over continued to be run as before, in most cases with the same men and with public opinion often unaware that famous banks and corporations were now government property.

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[13] M. Einaudi, "Nationalization in France and Italy," *Social Research*, Vol. 15, pp. 22–43 (March, 1948).

The war and post-war crises have burdened the IRI with so many pressing problems that no effort has been made to reexamine the entire problem of government ownership of industry to see whether in certain areas ownership should be expanded (as in the field of public utilities, where IRI controls only 25% of the total) or in other areas given up (as in the engineering field). In essence IRI has so far viewed its task as that of maintaining the status quo and of subsidizing in a very expensive and irrational manner the engineering industries, which happen to be the most important ones politically since they are the largest users of manpower.

The government itself, apart from providing the funds needed to run deficit operations, has intervened significantly only once with a legislative decree of February 12, 1948, giving a new statute to IRI to replace the old fascist one.[14] The new statute is a rather meager document. It endows IRI with a fund of about 100 million dollars, most of which has already been swallowed up by the bankrupt engineering and former armament companies owned by IRI. It defines IRI's task merely as that of managing the share holding and other patrimonial assets it controls. Finally, it establishes the principle that it belongs to the Council of Ministers to fix the general policies of IRI on the basis of national interest. The president and vice-president of IRI are appointed for three years by the President of the Republic upon recommendation of the Prime Minister. The Board of Directors is made up of the president, the vice-president, three financial experts appointed for three years by the Prime Minister, and eight representatives of various government departments appointed by the heads of those departments and removable at will by them.

The policy then is one of giving the representatives of the state exclusive powers in the management of IRI. No effort has been made to include representatives of consumers and, what is more important, of workers. This last fact is what has moved the Communist Party to violent anger. Its position has always been that, in order to speak of effective nationalization, one has to proceed to a far more drastic replacement of the old managers than IRI has carried out, and that the workers should be given a voice both at the company level and at the top IRI level. Every year workers' groups, acting under communist sponsorship in the name of the workers' councils within each IRI-controlled factory, have met to renew their claims. The fourth of such national conventions took place in Milan in July, 1949. The report of this convention[15] is an interesting document from which a partisan but lively account of recent IRI vicissitudes can be gleaned. In addition it contains useful statistics on the exact percentages of shares owned by IRI in the various enterprises under its control.[16] The report includes the texts of the demands presented by the workers' councils, which can be summed up in the request that representatives of the workers be admitted to the board of directors of IRI as well as to all the boards of directors of IRI controlled companies. IRI is apparently confident that since the Italian constitution, unlike the French, does not grant to the workers the right to share in the management of the enterprises in which they work, this demand can be resisted.

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[14] "Statuto dell'Istituto per la Ricostruzione Industriale," Legislative Decree, February 12, 1948, *Gazzetta Ufficiale* (February 21, 1948).

In any case, the issue is not mentioned in the annual reports published by IRI.[17] Compared to the British reports, the IRI reports look brief and uninformative. They show the political stresses affecting IRI and its own uncertainty as to future policy. The 1948 report, however, represents an improvement over the earlier ones, as there is an effort by IRI to indicate what its general role in the Italian economy should be. The unstated concept seems to be that in some of its more clearly industrial capacities IRI should act as a reserve force kept inoperative in times of great economic prosperity and pushed into action in times of economic crisis. This concept would certainly not apply to banking, iron and steel, telephones and public utilities. It might, on the other hand, have a certain validity in the fields of engineering and shipping. At the same time it proves the "unplanned" way in which IRI was established. For one of the major assumptions behind the drive for the nationalization of "key" industries is that they should always be operated at full capacity, regardless of the profitability of their operations. By extending its scope to "non-key" areas, IRI is faced with the development of techniques for the full or partial operation of some of its industries, a task which a hidebound capitalist will consider as normal, but which will involve a public agency in the most painful kind of difficulty.

III. FRANCE

French legislation and literature reveal the political nature of the nationalization policies pursued since the liberation. Nationalization represented the punishment of a guilty capitalism and was to be one of the chief instruments for the seizure of power by the workers. Nationalization then did not always mean as in Great Britain the transfer of certain economic assets to the nation, but rather sometimes their transfer to certain groups who pressed with greater success than others their right to manage them. We witness the acceptance in principle of the idea of interest representation, for nationalization as "sanction" leads to syndicalist management. The state should interfere as little as possible with the development of what should have become autonomous empires led by the Communist Party. When in January, 1947, an attempt was made to choose the representatives of the state on the Board of Directors of nationalized industries from among experienced career civil servants, M. Duguet, then the President of the *Charbonnages de France*, uttered these historic words: "They now tell us that in order to represent the state on the Board of Directors of the *Charbonnages de France* one must be a high functionary with at least five years seniority. . . . This is both shameful and anti-democratic because we think every Frenchman from the lowest street sweeper to the highest civil servant must be treated on a footing of equality."

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[15] Consigli di Gestione delle Aziende IRI, *L'IRI nella Struttura Economica Italiana.* (Rome: Realtà Economica, 1949. Pp. 45.)

[16] The Communists have specialized in a series of detailed financial studies concerning capital concentration in Italy. The chief one is by Radar (pseud.), *Organizzazione del Capitale Finanziario Italiano.* (Rome, 1948. Pp. 397.) IRI is discussed in this volume at pp. 163–218, since the Communists consider IRI just another instance, and the biggest, of a private capitalistic monopoly.

[17] The latest is the 1948 Report. (Rome, 1949. Pp. 73.)

The battle against turning over the representation of the interests of the state to street sweepers was not an easy one to win. But in the end the representation of the state by competent public servants was accepted as a sound idea.

The confusion and uncertainty as to what could and should be done with nationalized industries can be seen through a review of those laws and decrees which indicate the successive turning points in French policy since 1946.[18] First came the decrees of January 16, 1947, establishing certain guarantees for the selection of the state representatives on the Board of Directors of the *Charbonnages*, and in other ways strengthening the hand of the central government in dealing with refractory Boards of Directors. The principle of interest representation was dealt a serious blow. But under syndicalist pressure a new decree was issued on June 12, 1947, which greatly weakened the guarantees for the selection of the state representatives. The only surviving guarantee was the negative one that "each member of the Board of Directors must be independent with regard to the categories of interest which it does not represent." It took the near revolutionary action of the Communist Party at the end of 1948 to persuade the French government that a reassertion of state authority was needed. As official documents describe the development, "following the strikes of October and November 1948 the behavior of certain administrators was judged by the government to be incompatible with the exercise of their functions within the Board of Directors of the Charbonnages." As a result, decrees embodying the principles established in January, 1947, were fully applied for the first time.

In the meantime the law of January 6, 1948, had proceeded to do away entirely with the system of control established by the nationalization laws of 1946. The *Chambres des Comptes* was abolished and replaced by a *Commission de Vérification des Comptes des Entreprises Publiques.* While the suppressed Chamber was made up of expert laymen, the members of the new Commission were drawn chiefly from the magistrates belonging to the old Court of Accounts and from the higher ranks of the functionaries of the Ministry of Finance. The Commission was given full powers of inspection and was required to present annually a general report on all public enterprises to Parliament, to the Prime Minister and to the Court of Accounts, while also presenting separate reports on each enterprise to the Minister of Finance.

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[18] Decrees of January 16, 1947, *Journal Officiel, Lois et décrets*, January 17, 1947, p. 648 and p. 651. Decree of June 12, 1947, *ibid.*, June 14, 1947, p. 5523. Law of January 6, 1948, *ibid.*, January 7, 1948, p. 199. Law of August 17, 1948, *ibid.*, August 18, 1948, p. 9082.

Having thus strengthened in a quasi-judicial fashion the system of control of nationalized industries, the government moved with the law of August 17, 1948, to arm itself with sweeping powers of reorganization of those industries. Article 2 authorized the government to proceed to reorganize all public enterprises having an industrial or commercial character in order to assure their profitable operation and in order to increase the responsibility of management, without, however, modifying in any way the principle of public ownership or the right of the workers to share in managerial functions. Article 6 authorized the government to proceed by decree in all areas described in Article 7. Article 7 gave quite extensive boundaries to these areas and made it possible for the government to act without consulting Parliament at all the crucial points. But the only point worthy of note about this law is that these sweeping powers have never yet been used.

One reason for this inaction might have been the belief that no piecemeal reorganization could succeed unless a general statute covering the basic principles of the structure of nationalized industries had first been approved by Parliament. Article 2 of the law of August 17, 1948, committed the government to present a bill to this effect to Parliament by December 31, 1948. This the government did.[19] As of December, 1949, the bill is apparently ready to emerge from the Committee on Economic Affairs of the National Assembly. A belief seems to prevail that the bill will be enacted into law before the end of July, 1950.

The government project for a general statute divides all public enterprises into two categories, classified as A and B. Category A will include in principle all enterprises exploiting a public service of general interest and enjoying a monopoly in law or in fact, such as railroads, coal, gas and electricity. Category B would include those public enterprises which act competitively in a field also open to private enterprises such as insurance and automobiles. All enterprises in both categories would enjoy financial autonomy, act as commercial corporations, and be subject to all normal economic and fiscal laws. They would be compelled to balance their accounts and be deprived of the financial assistance of the state unless special obligations were imposed. Each enterprise in Category A would be managed by a general director appointed by the cabinet from among civil servants or experienced persons with the required competence. The Board of Directors would continue to be made up of representatives of the state (one-third of the total), of the workers (one-third of the total), of representatives of consumers or local collectives (as needed), and of technical or financial experts appointed by the government. These provisions give in effect a much stronger position to the representatives of the state than ever before. The government's strength is further increased by Articles 36 and 37 of the Bill which give the competent Minister the right of preliminary approval in all major areas of decision, and by Articles 39 and 41 establishing a government representative (*commissaire*) within each enterprise with full veto power on all Board of Directors' decisions. The veto becomes inoperative unless sustained within ten days by the competent Minister. The controls exercised over enterprises belonging to Category B are less stringent and a government representative with powers such as those described above is not to be appointed unless there is an appeal to the government for financial assistance.

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[19] *Projet de loi portant statut général des Entreprises publiques*, no. 6027, Assemblée Nationale, Annexe au procès-verbal de la séance du 31 décembre 1948.

In the midst of these reversals of policy during a period of continuing uncertainty, French literature on nationalization reflects the general concern about the choice to be made between the centralist and syndicalist solutions and about the principles to be embodied in the future statute for nationalized industries. The magazine *Droit Social* has, in the last three years, published many articles with heavy emphasis on the juridical and social aspects of nationalization but has rather carefully avoided the larger political and economic issues.[20]

Professor Bernard Lavergne of the University of Paris was the first one to attempt in 1946 a general review of the problem of nationalization.[21] Professor Lavergne has been for a long time a champion of the cooperative movement which he feels could well be used in the field of nationalization. His term "régie cooperative" is used as a synonym for the Anglo-Saxon "public corporation." Lavergne is impressed by the British public corporations, because of their independence and their concern with the specific technical and economic problems of the industries entrusted to their care. By comparison, the political and centralizing atmosphere of the continent is obnoxious to him. His plan envisages, however, a radical departure from the British pattern, for the state would not be the sole stockholder in the public corporation but would admit the participation of other territorial units and of cooperatives of consumers and workers. The problems of who would have the effective control and of how the disputes among the several participants would be solved, appear less important to Lavergne than the resultant autonomy and the diffusion of ownership among several categories.

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[20] *Droit Social, Revue des Rapports Professionnels de l'Organisation de la Production et du Travail,* Paris, Librairie Sociale et Economique. The magazine was founded by François de Menthon and P. H. Teitgen, noted MRP leaders. It is now directed, among others, by Paul Durand and Jean Rivero. The following is a list of some of the magazine's articles on nationalization: Georges Vedel, "La technique des nationalisations," pp. 93–99 (March, 1946); Fr. Luchaire, "Le statut des entreprises publiques," pp. 253–261 (July–August, 1947) and pp. 303–306 (September–October, 1947); Ph. Raichlen, "La direction du crédit en France depuis la loi du décembre 1945," pp. 43–48 (February, 1948); M. J. R., "Coût et prix dans les entreprises publiques: Les entreprises publiques et la théorie du déficit systématique," pp. 206–209 (June, 1948); Documents: 1) "Tableau des Etablissements publics à caractère industriel et commercial et des sociétés d'économie mixte" and 2) "Situation des entreprises nationalisées," pp. 214–216; Raymond Aron, "Primauté de l'Economique," pp. 237–239 (July–August, 1948); Georges Vedel, "Le règlement intérieur des comités d'entreprises et la protection des minorités," pp. 251–257 (July–August, 1948); Jean Rivero, "Vers un statut juridique du Plan Monnet," pp. 4–7 (January, 1949); J. Desazars de Montgailhard, "Les caractères de l'entreprise publique," pp. 8–13 (January, 1949); Bernard Chenot, "Premiers résultats de la nationalisation des mines," pp. 242–246 (July–August, 1949); Ch. Blavoet, "Etablissements publics à caractère industriel et commercial ou régies d'Etat?", pp. 283–297 (September–October, 1949).

[21] Bernard Lavergne, *Le Problème des Nationalisations.* (Paris: Presses Universitaires de France, 1946. Pp. 179.) See also his new work, *La Révolution Cooperative.* (Paris: Presses Universitaires de France, 1949. Pp. 384.)

The main body of French doctrine seems to be moving away from the cooperative idea. In 1946, a committee created within the Institute of Comparative Law of the University of Paris undertook an inquiry into French and foreign nationalizations. In the course of its investigation, a questionnaire was distributed among experts and scholars and a substantial amount of material was accumulated. The most significant study to appear so far resulted and was published in 1948 under the editorship of Professors Byé and de la Morandière of the University of Paris.[22] The volume includes five special essays on the nationalization of coal, gas and electricity, banks, insurance and merchant marine. Lavergne contributes an essay on the cooperative approach. One of the two editors, Maurice Byé, contributes the longest and most important essay of the volume on the conflict of tendencies in the organization of public enterprises. This is an especially notable piece of work in which for the first time the several contrasting tendencies are disengaged and analyzed. Professor Byé's criticism of interest representation from the point of view of expert management and the protection of the interests of the community is an effective one, but his main effort is still to present an objective view of the various tendencies rather than to strike a balance among them—something rather difficult to accomplish at the beginning of 1948, when this volume was being prepared.

Marcel Ventenat tends to stress the negative qualities of the nationalization experience.[23] As a mining engineer, his expert comments on the *Charbonnages* deserve attention, and his lively account of the difficulties resulting from the Communists' attempt to seize the sum total of power affords an interesting insight into the central political issue for nationalized industries. Since the summer of 1947, when the book was written, much has changed, both politically and legally. The book by Jean Rivero is quite recent and covers the ground until the end of 1948.[24] While Professor Rivero's work is mainly intended for the legal profession and is confined to an interpretation of laws, decrees and regulations, it is by far the most complete and useful analysis of the present juridical framework of nationalized industries.

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[22] L. Julliot de la Morandière and Maurice Byé, *Les Nationalisations en France et à l'Etranger*, Vol. 1, *Les Nationalisations en France*. (Paris: Recueil Sirey, 1948. Pp.xii–193.)

[23] Marcel Ventenat, *L'Experience des Nationalisations*. (Paris: Librairie de Medicis, 1947. Pp. 290.)

[24] Jean Rivero, *Le Régime des Nationalisations* (Extrait du Juris-Classeur Civil Annexes). (Paris: Editions Techniques, 1949. Pp. 8+42+58+18.)

Although the press is usually not listed among nationalized industries, it would be possible to make a strong case for the view that the French press is, as far as its physical facilities go, a nationalized industry as a result of the law of May 11, 1946. This law transferred to the state (specifically, to the *Société Nationale des Entreprises de Presse*) the property of all the assets of such newspapers as had continued to appear under the occupation, regardless of whether they were guilty or not of collaboration with the enemy. On this remarkable chapter of French press history a slim monograph by Noël Jacquemart and a more substantial study by Jean Mottin have now been published.[25] The book by Jean Mottin is especially interesting and well-documented. His detailed account of the varying degree of intensity in the enforcement of the 1946 law constitutes a remarkable page in the history of the interference of political parties in the administration of the law. As the press law of 1946 favored the new resistance press against the old press in which the radical socialists had occupied such an important role, the socialist-led government of Gouin attempted what Mottin calls the "accelerated and integral application of the law." When the Bidault government followed, the usual conflicts within the M.R.P. resulted in a "moderate" application of the law. The socialist government of Blum caused a return to the Gouin policy.

When at long last the radical socialists returned to the government under Ramadier, the law of 1946 was practically set aside ("mise en veilleuse"). From that time, under the Schuman and even more under the Marie and Queuille governments, the law of 1946 was no longer considered as the chief instrument of government policy with regard to the press. Its immoral principle of failing to distinguish between those who were guilty and those who were not guilty had increasingly been seen in its shocking reality. In the meantime the courts had come to the rescue of the non-guilty press through a curious interpretation of the law of February 28, 1947, which had abolished the war-time requirement of previous government authorization for the publication of any periodical. When the former owner of the famous radical-socialist newspaper *La Dépêche de Toulouse* presented a request to the Court of Toulouse for the lifting of the seizure of its printing plant, the court accepted as valid certain contentions which removed some of the more obvious injustices resulting from the application of the law of 1946. The decisions of French Courts have not, however, been consistent in the last two years, and many individual cases remain unsolved.

The contribution of the government to public enlightenment on the matter of nationalization has only recently become significant. Apart from the publication of the so-called "Inventaire Schuman"[26] in 1946, the first two years were heavy with discreet official silence. This was in part due to the initial delays, in part to the difficulties under which nationalized industries were struggling, and in part to the fact that some of those enterprises, such as the *Electricité de France* and *Gaz de France*, were not bound to issue public reports.[27]

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[25] Noël Jacquemart, *Quatre Ans d'Histoire de la Presse Française.* (Paris: L'Echo de la Presse, 1948, Pp. 42.) Jean Mottin, *Histoire Politique de la Presse, 1944–1949.* (Paris: "Bilans Hebdomadaires," 1949. Pp. 188.)

[26] Ministère des Finances, *Inventaire de la Situation Financière* (1913–1946). (Paris, 1946. Pp. 671.) This storehouse of statistical and other information about the financial and economic activities of the French government over a third of a century includes sev-

Almost alone, the *Conseil National du Crédit* has considered it its obligation to publish substantial and well-documented reports on its activities.[28] The third one for the year 1948 leaves the impression of a somewhat more positive leadership than previously on the part of the Council in guiding the credit policies of France. Cautious reference is made to a more "active" policy which, in spite of inevitable hostility, had to be undertaken with regard to the extension of banking credit. We are to interpret this as a justification of the credit restrictions which the Council found itself compelled to sanction as part of the government's battle against inflation.

As the managers of the most controversial of all nationalized industries, the *Charbonnages* have recently issued a somewhat fuller documentation of their activities.[29] For the first time the 1948 report contains full details about the composition and the changes in the Board of Directors, as well as fairly adequate financial statements. The report also makes information available on the question of indemnities to the former private owners. It appears that the final value fixed for the properties whose stocks were listed on the stock exchanges is 27 billion francs. Subsequent developments indicate that fairly rapid progress has been made in providing for the actual delivery to the former owners of the indemnity bonds.

The most important of all government documents concerning nationalized enterprises is, however, the first *Rapport d'Ensemble*, published on August 21, 1949, by the Control Commission created by the law of January 6, 1948. This document covers the public enterprises for the years 1946 and 1947.[30] The

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eral chapters and appendices with important data on public enterprises and nationalized industries. Cf. in particular, Chapter 2 of section 3 and "Annexe" III; L. M. Ventenat reprinted some of these data, *op. cit.*, pp. 279–288.

[27] A brief general report was issued, however, in the spring of 1948. *Rapport sur l'Activité d'Electricité de France et de Gaz de France Depuis la Nationalisation.* (Paris, March 31, 1948. Pp. 50.)

[28] Conseil National du Crédit, *Premier Rapport Annuel, Année 1946*. (Paris, 1947. Pp. 184.) Two more reports have been published in 1948 and 1949. The *Federal Reserve Bulletin* of the Federal Reserve System publishes annually brief summaries of these reports. See also Margaret G. Myers, "The Nationalization of Banks in France," *Political Science Quarterly*, Vol. 64, pp. 189–210 (June, 1949).

[29] Charbonnages de France, *Rapport de Gestion*, Exercice 1947, pp. 31; *Rapport de Gestion, Bilan, Compte des Pertes et Profits*, Exercice 1948, pp. 75. The *Charbonnages* have also published a report on the modernization of French coal mines; *Rapport sur les Aspects Economiques du Plan de Modernisation des Houillères.* (Paris, 1949. Pp. 100+66 pages of statistical tables.) This report followed that of the Commissariat General du Plan de Modernisation et d'Equipment, *Premier Rapport de la Commission de Modernisation des Houillères.* (Paris, 1946. Pp. 115.)

[30] Commission de Vérification des Comptes des Entreprises Publiques, *Rapport d'Ensemble, Journal Officiel.* 21 August 1949. *Annexe Administrative.*

jurisdiction of the Commission is a general one, going beyond the mere bookkeeping province. Thus, in its own words, the Commission must "Try to forecast future developments; advise on the quality of the financial and commercial management of the enterprise, . . . make recommendations aiming to remedy mistaken policies, . . . propose those modifications which appear necessary in the organization and structure of the enterprises."

The Commission's comments in the fields of coal and of the press are worthy of note. The reinforcement of the position of the representatives of the state has not yet taken place throughout the structure of the coal industry. "The actions of the Boards of Directors would become more efficient if a new category of members were added, not representing specific interests but designated exclusively because of their ability to manage an industrial enterprise."

Important data are made public, for the first time as far as could be ascertained, in the sections devoted to the *Société Nationale des Entreprises de Presse* (*SNEP*). It is revealed that the operating deficit of the SNEP for 1947 amounted to 454 million francs. On the basis of certain indications provided by the Commission report, it would appear that expenses in 1947 amounted to 2,724 millions as against revenues of about 2,270 million francs. The Commission indicates that for the year 1948 the deficit was reduced to 250 millions. On the other hand, the SNEP on June 30, 1948, had a debt to the state of 256 million francs. The very large part of the French press which is printed in the 175 printing establishments owned by the SNEP would appear to be subsidized by the state to the extent of the deficits incurred by the SNEP.

The Commission finds that some of these printing establishments are rented at exceedingly low figures and that in some instances even these rents are not collected. The Commission renews the plea that competent people should be appointed to the Board of Directors of the SNEP. It points out that the enactment of a press law, which has been under discussion for years, has become a most urgent matter, since according to the terms of the law of May 11, 1946, the SNEP will then be in a position, if it so wishes, to sell its 175 printing plants. The problem is a political one which will be solved according to the political composition of the government in power. It is clearly to the advantage of the party press to see the SNEP continue as the owner, thus enabling many papers to operate under conditions which will in effect guarantee the assumption by the state of an important share of their losses.

The final conclusions of the Commission stress the inadequacy and the incompleteness, especially in their financial accounts, of the reports published by public enterprises. The Commission thinks that the authority of the Ministers should be strengthened, and that the tripartite arrangement which gives equal representation on the Boards of Directors to the representatives of the state, of the workers, and of the consumers, leads to impotence. Lastly, the urgency of a decision on a general statute for public enterprises, without which no basic improvements will be possible, is once more underlined.

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Southern Politics in State and Nation. BY V. O. KEY, JR. (New York: Alfred A. Knopf. 1949. Pp. xxvi, 675. $6.00.)

Since Franklin D. Roosevelt called the South the nation's number one problem, three fine studies of southern politics have been completed. Gunnar Myrdal's study of southern politics forms one part of his magistral work, *The American Dilemma*, which was first published in 1944. John Gunther's report on politics in the South, which appeared three years later, fills ten chapters in his best-selling book, *Inside U.S.A.* Now comes Professor Key with a stout volume wholly devoted to the same subject. The importance of this latest contribution to the series is fairly indicated by its inclusion in the company of books by so sound a scholar as Myrdal and so skillful a reporter as Gunther.

The justification of another book on southern politics at this time is the employment of a different method of investigation and interpretation. Myrdal is a master of the approved techniques in the fields of economics and sociology who was primarily interested in the problem of the southern Negro. Since the Negro takes a minor part in southern politics, Myrdal's treatment of that aspect of the problem holds a minor place in his work. He explores the problem in all its aspects and concludes that it is essentially a moral problem. Myrdal, therefore, is more interested in southern political ethics than in other branches of southern politics. The index to Key's book contains no reference to Myrdal. Since Key is certainly well acquainted with Myrdal's work, it is evident that there is method in this neglect.

Gunther's interest lies mainly in the elements of the southern population which take the lead in practical politics. His treatment of the Negro problem, therefore, is very different from Myrdal's. He is concerned primarily with the white man rather than the Negro. He is absorbed in the study of personality and brings a successful journalist's intuitive understanding of the inner springs of human behavior to the analysis of the careers of southern politicians. Employing the appropriate techniques of modern psychology, he makes the leading political figures in contemporary southern politics come to life. Relying heavily on Myrdal for the theoretical basis of his observations and reflections, he paints a vivid picture of the present phase of the struggle to adapt the South to its proper place in American democracy. Key is not uninterested in political personalities, but he mentions Gunther only once in his volume and then casually in a footnote.

The method of Key's work is definitely the method of political science. He is interested primarily in the purposeful and systematic study of political structures and political processes. He concerns himself with ordinary voters as well as with leaders and studies the relations of parties and factions with economic and social interests as well as with personalities and races. Like Gunther, he is interested primarily in the white man rather than the Negro, though he recognizes as clearly as Myrdal himself that the Negro is at the bottom of most of the peculiarities of southern politics. Key's writing, like Gunther's, is distinguished. His data, like Myrdal's, were largely collected and processed for him by a team of investigators working under his direction. His conclusions, however, are manifestly his own.

The conclusions of all three writers on the main question are strikingly similar. Myrdal thinks that "the whole unique political system . . . is becoming increasingly shaky." Again he calls it "highly unstable," and he concludes with impressive finality: "The Southern Conservative position on Negro franchise is politically untenable for any length of time." Gunther is equally explicit. "The days of treating Negroes like sheep," he declares, "are done with. They cannot be maintained indefinitely in a submerged position. . . . It is impossible at this stage to halt education among the Negroes. But the more you educate, the more you make inevitable a closer participation by Negroes in American life as a whole. . . . The United States must either terminate education among Negroes, an impossibility, or prepare to accept the eventual consequences, that is, Negro equality under democracy."

Key reaches substantially the same conclusions, but by a different process of reasoning, and he states them differently. His argument begins with a careful analysis of southern state politics and makes a sharp distinction between the influence of the conservative white politicians in the "black belt" and that of the more radical politicians in the upland and hill regions where the poor whites predominate. The fundamental explanation of southern politics, he holds, is "that the black-belt whites succeeded in imposing their will on their states and thereby presented a solid regional front in national politics on the race issue." He develops this thesis with a wealth of illustrative detail that carries conviction, and explores in a very interesting way the consequences of solidarity in national politics on political life within the individual states. "By yielding to their black belts in their desire for solidarity in national politics," he concludes, "the states of the South condemned themselves internally to a chaotic factional politics." He finds the consequences in the areas of state and local government deplorable.

Key's inquiry into the consequences of southern partisan solidarity in the area of national politics forms one of the most interesting parts of his book. He explains the phenomena of Hoovercrats and Dixiecrats consistently with his basic thesis and then investigates the role of southern Senators and Representatives in Congress, making excellent use of new methods of statistical analysis. His findings run counter to some popular illusions, particularly with reference to the relations between the different southern factions and the two major parties of the North and West. The role of the black belts in giving cohesion to the South, he declares, appears with most clarity in national politics. But the tendencies which make for a division of parties in the South he finds also to be clear.

What of the future? In the realm of prophecy Key, like his predecessors, is cautious. Myrdal had written that the political conservatives have the most to gain from the early admission of at least the higher strata of the Negroes to an active part in the political process, but, he concluded, "the chances that the future development will be *planned* and *led* intelligently . . . are indeed small." Key seems a bit more optimistic. "An underlying liberal drive," he believes, "permeates Southern politics." If the Negro is gradually assimilated into political life, he adds, the underlying southern liberalism "will undoubtedly be mightily strengthened." This and other forecasts of his will doubtless provoke controversy. The book as a whole is one which seems likely to receive wide attention among Americans interested in the serious study of contemporary government and politics and will certainly take a high place among recent contributions to political science.

ARTHUR N. HOLCOMBE.

Harvard University.

The Department of State; A History of its Organization, Procedure, and Personnel. BY GRAHAM H. STUART. (New York: The Macmillan Company. 1949. Pp. 517. $7.50.)

In a recent informal talk to employees of the Department of State Secretary Acheson remarked that "the Department seems to be abstract to some people. The Department is us, the Department is the men and women who make it up." Professor Stuart undertook the Gargantuan task of introducing to living Americans the many people (mainly the important ones but also many less important ones) who have made up the Department of State since its earliest days until the appointment of Dean Acheson as Secretary in January of last year. In *The Department of State* Professor Stuart has covered a period of one hundred and sixty-seven years during which time the number of employees rose from three (a secretary and two clerks in 1781 in the Department of Foreign Affairs) to 22,254 employees (including foreign nationals) in 1949, of whom 8,206 are in the departmental service. Obviously in such a sweep the author could introduce the personnel of the Department only very briefly, especially as he undertook also to describe the organization of the Department at many different stages of its growth and to comment on some of its procedures. Almost half of the book deals with the period since 1920.

As the subtitle of the book indicates the author has focussed his attention on organization, procedures and personnel and, in the introduction and later in the text, he explains that consideration of policies has been made only to illustrate "normal or abnormal procedure." Despite this self-imposed limitation the author has succeeded in working in some highly concentrated résumés of significant policy decisions, many of which proved to be substantial contributions to international law, to say nothing of their importance in the annals of modern history. The book in reality is a little of everything beginning with the problems faced by John Jay in 1784 to the bundle of problems inherited by Dean Acheson in 1949. The broad coverage is at once the strength and the weakness of this book.

The rich variety of information in the book is made quickly accessible by an excellent index. Extensive notes reveal clearly the careful research which Professor Stuart devoted to his work. A good table of "Presidents of the United States and Secretaries of State, 1789–1949" adds to the reference value. The end papers by Miss Gloria Anderson are both imaginatively conceived and ably drawn, as are several illustrations in the book. For these reasons and others mentioned above it is unquestionably a major contribution to a reference shelf on the foreign policies of the United States and the men who have made those policies.

In noting weaknesses one can point to some omissions, especially in the later years (notably the lack of any reference to the detailed study of the organization and procedures of the Department prepared under the direction of Major General Otto Nelson and Mr. Just Lunning over a period of eight months in 1946); to certain errors (e.g., the late George Atcheson, Jr. in October, 1945, was political adviser to General MacArthur not "to General Marshall"; *cf.* p. 423); and to some repetition resulting from a rather monotonous sequence (i.e., the secretary, changes in the Department, diplomatic appointments and major problems) applied to the period of service of each secretary. However, these are fairly minor defects. Considering the scope of the book there is a conspicuous absence of small errors.

A more serious defect in the book seems to this reviewer to be the frequent failure to show how the Department as organized at a given time contributed to the policy decisions cited in the illustrative cases. Organization in its best sense is the fixing of responsibility with commensurate authority and the ordering of knowledge for application to decision. The space given to the minor officials appointed by James G. Blaine in his second incumbency as Secretary of State (pp. 172–174) is an example of a catalogue of names for which no connection is subsequently made with such events as the First Inter-American Conference or some of the other critical issues Secretary Blaine faced in 1889–90.

How things are done is often quite as important as *what* is done, for the procedures used may be much more lasting and more significant than the product of a single operation. In this respect Professor Stuart does not adequately evaluate the causes of the growth, or the consequences, of policy-making by departmental and interdepartmental committees, by special "task forces," or United States delegations to international conferences. The growth of departmental and interdepartmental committees and councils in recent years is far more meaningful to the student seeking explanations as to how we arrived at some major policy decisions and actions than is the detailed recital of who took whose place in the many reorganizations of these years. The device of the "across-the-boards" task force to do a specific job was utilized very successfully under Acting Secretary Acheson in the Greek-Turkish crisis and later in the development of the policy of the United States for European economic recovery and in many respects it is the technique that has been used to prepare briefings and the "backstopping" for our delegations in international conferences and organizations.

This reviewer believes that some of the low morale which Professor Stuart observed, when he was in the Department as Head of the War Records Unit, and reported in this book, was due not so much to the "drastic" nature of the Stettinius reorganizations (*cf.* especially p. 383) as to the fact that the old guard employees were finally realizing the day was past when one man like the venerable A. A. Adee could—and did—carry the affairs of the Department "under his hat." The nostalgia for the good old days, when everybody knew everybody else and avoided sending papers for concurrences to known opposition, was made acute with the introduction of new personnel, new methods (such as the Staff committees), new devices (such as periodic policy problem inventories and quarterly policy statements and policy manuals) and new compulsions (such as deadlines for policy positions for a flood of delegations to new international bodies).

Professor Stuart says in his introduction that he has attempted "to evaluate the work of the Department objectively but at the same time sympathetically" and he has very substantially kept to this statement. He has accomplished much in the way of making the Department less "abstract" to those outside the agency. A part of his contribution has been made in spite of a few officers in the Department who still believe that "it is none of the public's damn business" as to how policy is formulated down in Foggy Bottom of Washington, D. C.

John Gange.

University of Virginia.

Law and the Executive in Britain; A Comparative Study. By Bernard Schwartz. (New York: New York University Press. 1949. Pp. viii, 388. $5.50.)

In recent years, persons interested in British administrative law have been provided with considerable enlightenment by Sir Cecil Carr's lectures *Concerning English Administrative Law* (1941), Mr. C. K. Allen's *Law and Orders* (1945), and the 1947 revision of Mr. W. A. Robson's *Justice and Administrative Law.* Mr. Schwartz is quite right in assuming, however, that, for all their excellences, these volumes leave ample room for a study such as he has attempted. Concerning himself solely with the problem of legislative and judicial control of administrative acts, he has presented a much more thorough study of judicial decisions than appears in the books mentioned above.

The material covered is extensive and complicated. The author has not rendered the reader the assistance of a concluding chapter or of summary paragraphs at the ends of chapters. Nor can it be said that simplicity of theme, clarity of organization, or patterns implicit in the materials themselves render such aids unnecessary. Quite the contrary!

After an initial chapter stating the problem and giving a general orientation, the remainder of the book falls into two parts: three chapters which deal with legislation bearing on the subject, and five which discuss judicial decisions. The first chapter, relying heavily upon the authority of and quotations from Dean Pound, poses the threat to the principle of the supremacy of law inherent in many modern trends and insists that agencies which settle disputes should always be subject to judicial control. This control will be adequate, however, if it ensures enforcement of (1) the rule of *ultra vires*, (2) natural justice (the "fundamentals of fair play"), and (3) the substantial evidence rule. Chapters are devoted to each of these three checks. The chapter on *ultra vires* argues that, while there is no authoritative holding on the subject, logic, constitutional principles, and the trend of decisions point to the conclusion that the question of *vires* is always open. It is further stated that "review based upon the doctrine of *ultra vires* can, indeed, prove adequate to perform the proper functions of judicial review" (p. 199). But a few pages earlier it was stated that "the tendency to delegate powers in such broad terms that it is almost impossible to know what limits Parliament did intend to impose makes judicial control limited to the bare questions of *vires* illusory" (p. 175). Logically, it might seem that the apparent contradiction could be resolved by stressing the word "bare" in the last sentence quoted, but a study of the material presented does not support this view. Similarly, it appears in the chapter on "natural justice" that in spite of their best efforts the courts were powerless to avoid an interpretation of the New Towns Act (1946), which the author felt to be fundamentally unfair because of the lack of even an "internal" separation between administrator and judge. Finally, in the case of the substantial evidence test, Mr. Schwartz feels once more that judicial control has not been adequate; but in this case apparently it is as much the courts as the legislature which are to blame. In effect they have been satisfied with *any* evidence, whether or not "substantial." In the case of two out of Mr. Schwartz's three tests, his own evidence appears to contradict his initial statement that they are adequate.

The chapter on delegated legislative power manifests much the same kind of puzzling contradiction and conflict between tone and evidence that characterize the chapters on judicial review. The report of the Committee on Ministers' Powers has, we are told, been largely disregarded; yet, in accordance with its recommendations, Henry VIII clauses have been virtually abandoned, and "conclusive evidence" clauses completely so. Perhaps the latter recommendations can be said to have constituted a small enough part of the report to admit of the generalization, but Mr. Schwartz gets into further difficulty when he treats the multiplication of broad grants of sublegislative authority under new laws dealing with social services and state operated industry. He argues that there is greater justification for broad grants of power in such cases but later seems to call for the "traditional safeguards" even in these situations.

A word should also be said about the use of American materials for purposes of comparison. Mr. Schwartz assumes that the doctrines of the *Schechter Case*, the *Ben Avon Case*, and *Crowell v. Benson* are still good law. He gives no hint that there has been any modification of the substantial evidence rule, that the application of the law-fact formula has in any way shifted, or that the *First Morgan Case* might today be decided otherwise. The nearest thing to a recognition of any changes or significant trends in American administrative law is to be found in a footnote in which the *Rowan & Nichols Case* is cited, with the remark that it "raises some doubt whether the present Court would follow the *Ben Avon* doctrine, though it must, of course, be considered as good law until overruled" (p. 299, n. 72). The fundamental shortcoming of Mr. Schwartz's treatment of both American and English cases, however, is that he makes no attempt to get behind what the courts are saying to discover what they are doing.

J. Roland Pennock.

Swarthmore College.

The President and the Presidency. By Louis Brownlow. (Chicago: Public Administration Service. 1949. Pp. xiv, 137. $2.75.)

Lectures are often embalmed in print to give the donor tactile evidence of the purchase of his bounty, to glorify the sponsoring institution, and to gratify the lecturer. Having served their purposes, the resulting volumes soon gather dust and are forgotten, as they deserve to be. A different fate awaits Mr. Brownlow's volume of lectures on the presidency. It must be given a place alongside the standard works on the subject. Among them it will be unique, for it contains the mature reflections of a perceptive observer who has had opportunities to exercise his faculties of observation seldom enjoyed by academic writers on politics.

As a newspaperman, Mr. Brownlow in February, 1904, sat down in the Cabinet Room in the White House for his first talk with a President of the United States. We "were then," he somewhat ruefully notes, "nearer in point of time to Abraham Lincoln than we were to Harry Truman." There followed an acquaintance, sometimes slight, sometimes close, with all the succeeding Presidents. Thus Mr. Brownlow draws from a personal knowledge of one-fourth of all our Presidents for his lectures whose titles indicate their scope but do not suggest the richness of their content: "The Presidency: An American Institution," "The President: How We Choose Him," "What We Expect the President to Do," "How We Control the President," "How We Equip the President for His Task," "What Help Does the President Need from Us?"

From the series of lectures there emerges an interpretation of the presidency as a peculiar American institution. Mr. Brownlow looks at the presidency in its political, social, and geographical setting and finds it good. Alternatives for the organization of the executive power may be appropriate in their place which is not the United States. Nor is Mr. Brownlow impressed by those who reason by analogy, false analogy he would say, that the presidency harbors a potential dictator. He regards the presidency as an effective means for the expression—and control—of democratic power.

Incidentally, it is of interest to teachers—and to the publishers—to note that the volume will be especially useful as collateral reading in American government courses. The decision to print the lectures as spoken, "with only such changes as editors require to bolster their prejudice in favor of what they consider the king's English," resulted in the transmutation into type of a generous sprinkling of anecdotes that will serve well to season serious reading for undergraduates.

V. O. Key, Jr.

Yale University.

A Grammar of American Politics; The National Government. BY WILFRED E. BINKLEY AND MALCOLM C. MOOS. (New York: Alfred A. Knopf. 1949. Pp. x, 760 + xviii. $4.50.)

With the publication of this volume a new publisher bids for a share of the most lucrative textbook market in the field of political science. Knopf offers to college classes and the general reading public an unusually attractive volume, with an appealing title, which measures up to the pre-publication notice of being "written in a lively and readable style, with accuracy and careful scholarship." This is not just another textbook. Yet, opinions will differ on how far the authors have moved from the traditional pattern toward the objectives stated in the Preface as their justification for another book in the field. The text carries a familiar topical arrangement of chapter headings with the explanation that the purpose is to present "a somewhat different interpretation of that field of knowledge."

Many of the chapters are studded with lively illustrations and sparkling quotations, which in places are selected to carry the subject-matter burden, the authors providing only a connective commentary. Whether or not this departure from standard practices provides a "different interpretation" is not important; it does at least provide a lively style and a stimulating, curiosity-inciting text. Likewise, it appears not to matter whether or not the authors have succeeded fully in interpreting "the phenomena of American Government in terms of human motivation," or in discovering "those human interests and ideologies that account for the civic conduct of both private citizens and public officials." What matters is that they may claim some degree of success and, in the attempt, leave the impression that government possesses human qualities, responds to human impulses and even suffers from human frailties.

The text is uniformly accurate both in essential facts and in interpretation but the chapters vary somewhat in style and method. Some chapters are "textbookish" in the sense that they are not distinguished either by a lively style or sparkling interpretation. Unfortunately the chapter on "Citizenship and Civil Rights" is one of these. The chapter is routine, uninspiring and gives entirely too much space to judicial interpretations. Ideological foundations, democratic connotations and human values are all but forgotten. This points perhaps to the outstanding weakness in the text. Political ideas and ideals and democratic concepts and values, although implicit throughout, do not receive the specific, positive emphasis the political climate of our times would appear to demand. Specific treatment of political concepts and basic ideas is relegated to a brief introductory chapter. The promising heading, "The Nature of Democratic Government," is disposed of in less than two pages of questionable text. If space were a controlling factor, the authors might well have considered the elimination of the sections on the history of political parties, state nominating procedures and the government of territories. Likewise, it would be advisable in any projected plans for revision to consider carefully both the subject-matter and the organization of the part, "The Federal Administration."

On the other hand, several chapters merit special commendation. The chapter, "Public Opinion, Pressure Groups, and the Public Interest," presents an adequate, balanced and stimulating discussion of a significant area which has been too frequently neglected by textbook writers. The book carries, in addition to the traditional chapter on the conduct of foreign affairs, an excellent chapter, "Foreign Policy and the American Government in Its International Setting." These twenty-five pages provide the reader an opportunity to obtain a feeling for policy, the realities of world politics and American responsibilities beyond that incidentally provided by the traditional chapters limited largely to the interpretation of constitutional provisions and a descriptive essay on the operational phases of external relations.

Three chapters written by "visiting experts": "Federal Finance" by James A. Maxwell, "Government and the Economy" by Arthur M. Ross, and "Agriculture and Conservation" by Walter W. Wilcox, present an adequate description of governmental functions in these areas. More significant, however, is the fact that in these chapters the authors transcend the level of description and statutory analysis and approach what may well be termed a "coming to grips" with problems of public policy.

The textbook is attractively presented and is adequately documented. The book carries chapter bibliographies and an index. The criticisms suggested in this review are meant to be constructive and are presented with the sincere belief that the text measures up to the high standards of the profession. The book is a welcome and refreshing addition to the growing list of textbooks in the field. It should be well received, expecially for use in upper class courses.

HAROLD M. DORR.

University of Michigan.

Administration; The Art and Science of Organization and Management. By ALBERT LEPAWSKY. (New York: Alfred A. Knopf. 1949. Pp. xii, 669. $4.75.)

This is primarily a book of readings, but with a running commentary by Professor Lepawsky which accounts for perhaps a third of the text. The title does not contain the word "public," and the book is addressed to the general subject of administration, although selections from the "public" area predominate. Containing some three hundred selections and having an extensive running commentary by the author, the book is an essentially new type of effort in the field of administrative literature, as the few other books of readings in this field are constructed along different lines.

In *Administation* Professor Lepawsky has prepared a rich feast of scholarship for students and practitioners of administration. The three hundred selections represent many years of inquiry by a keen and diligent mind. Extensive footnote references to complementary and contrasting selections not only increase the value of the book but are a measure of the broad base of scholarship upon which the text is erected. Professor Lepawsky's commentary is not only intelligent observation; it is creative writing.

Structurally, the book consists of an introduction on "The Significance of Administration" and three parts covering "The Art of Administration," "The

Science of Organization," and "The Technique of Management." Historically and geographically the selections range from Confucian China to contemporary America. No important point of view seems to have escaped Professor Lepawsky's eye, and the breadth of treatment is best indicated by listing a few of the persons who are quoted in the early sections: Henri Fayol, Paul Pigors, Brooks Adams, James Burnham, Charles E. Merriam, Charles A. Beard, Oliver Sheldon, Paul Appleby, Herbert Morrison, Karl Mannheim, Max Weber, Pericles, and Johann von Justi.

What is to be said on the debit side relates to the inherent difficulties of constructing a book of readings and to the mechanics of book manufacture. As to the first of these it must be said that the task of constructing an aesthetically pleasing and intellectually rewarding work from the writings of others is one of extreme difficulty. When there is added the necessity—or desirability—that the work be commercially feasible, the task may become impossible. Professor Lepawsky has chosen to err on the side of the professional quality of his work, and as a result he may have "overshot" the immediate mass market. Certainly it seems to the reviewer that the usefulness of the book as text or collateral reading in college courses is limited—paradoxically—by its excellence. Its very breadth, for example, necessitates short reading selections, some of them only a paragraph, many only a page. Despite the fine commentary the inevitable result is an incessant change of focus, impossible for untrained eyes. Or to return to the original figure, the "feast of scholarship" is a smorgasbord and needs to be approached with plan and caution.

On the strictly mechanical side the reviewer found one feature very annoying: the inability of the reader to tell at a glance the quoted selection from the editor's commentary. There is some slight difference in type, but not enough to be helpful. If the book is read as a novel this lack of clear distinction is not too important, but reading in such a work is more likely to be akin to the use of a dictionary. Also annoying and more important from the viewpoint of classroom usability is the absence of a full and clear table of contents, not wholly compensated for by an excellent name index. Granting Professor Lepawsky the right to organize his book as he wishes, the fact remains that it is difficult to integrate it with a customary course in public administration. A complete table of contents plus a cross-referencing system would have facilitated integration. But these defects are minor weighed against the high merit of the contents; and the strictures more suggestions for a revised edition than criticisms of the present one.

DWIGHT WALDO.

University of California.

Courts on Trial. BY JEROME FRANK. (Princeton: Princeton University Press. 1949. Pp. xii, 441. $5.00.)

The publication of another book by Jerome Frank is likely to be greeted with somewhat restrained enthusiasm by the legal fraternity. His uninhibited followers among the social scientists, on the other hand, date the legal "enlightenment" from 1930 and are correspondingly well disposed towards the author of *Law and the Modern Mind.* Nor will the thirty-two chapters presented at this time—for which he acknowledges a substantial debt to previously published work—do a great deal to alter these attitudes. Frank remains extraordinarily facile in expression and much more sensitive to the variety of influences which play on the administration of justice than most of his contemporaries.

In the present opus the author is, by his own repeated assertions, concerned to demonstrate his "fact scepticism" rather than his "rule scepticism." "Facts are Guesses" proclaims the title of the third chapter, and this theme recurs throughout. In the result the author does a sound job of exploring and cataloging the many contingencies of the trial stage of litigation. From the standpoint of his admirers, moreover, this constructive performance is also seasoned with characteristic insights of some theoretical import. Thus, the conclusion that no one can tell how judge and jury will react to testimony is extended to imply that no one can be sure he has any rights until they have been litigated. Or, again, the conclusion that wordy efforts to impress jury and public with the solemnity and objectivity of a trial rarely work, also puts such efforts in the category of "magic" as discussed by the anthropologists. Or, finally, the unwillingness of most jurists to accord as much attention to the vicissitudes of trial as Frank thinks proper is not merely unjudicious; it classifies them as "Wizards" of the first, second, or third class.

Of course, from the standpoint of Frank's detractors these "insights" mar rather than season his performance. And there *is* a curious kind of ostentation involved here, for the author sometimes appears to be striving for more striking effects than the evidence warrants. Perhaps this is just literary showmanship in the second two cases, but his glancing treatment of rights may suffer from a different sort of ambiguity.

The difficulty here is that it seems quite unnecessary to insist that rights are unknowable (*unreal?*) until they have been litigated—unless one intends to imply that there is no virtue in the prevailing type of juristic analysis which takes fact situations as "given" for purposes of systematic presentation. For, if all he means to show is the unpredictability of law suits turning on disputed questions of fact (due to the defects of prevailing methods for getting at the facts), it would surely have sufficed to point out that one's legal rights are frequently aborted for various reasons of which the law-texts take too little account. There would have been no occasion to suggest that rights can have no meaning apart from a post-trial official version of the facts. Indeed, since Frank himself views a jury's mistake or corruption as contributing to the *miscarriage* of legal justice rather than its *fulfillment,* this would seem a singularly inauspicious context in which to further the "nominalist" cause.

Such disconcerting flourishes reminiscent of the new "realist" jurisprudence are relatively rare, however. The chapter entitled "The 'Fight' Theory Versus the 'Truth' Theory" is excellent; and the two chapters on the Jury System neatly impale respected authorities on the horns of their own ambivalence with respect to the function expected of it. Moreover, in Chapter 14, entitled "Legal Science and Engineering," Frank is at his sceptical best at the expense of the more naïve of his realistic brethren.

The remaining chapters are highly piecemeal, having been assembled in large part out of miscellaneous articles already in print. This is not to imply that they do not serve a useful purpose. It is only an excuse for keeping this review within manageable proportions.

K. C. COLE.

University of Washington.

Authority and the Individual. BY BERTRAND RUSSELL. (New York: Simon and Schuster. 1949. Pp. 79. $2.00.)

In a series of lectures sponsored by the British Broadcasting Corporation and delivered over its facilities, Mr. Russell has sought to examine what is probably the most important problem of the twentieth century, namely, the relationship between authority and individual freedom. Mr. Russell asks the question all of us are asking: How can we combine that degree of individual initiative necessary for progress with the degree of social cohesion necessary for survival? Here and there we find the penetrating observations we have been led to expect from the previous writings of Mr. Russell but on the whole the performance is not as inspiring as we might have hoped.

Mr. Russell summarizes his thesis in these words: "Broadly speaking, we have distinguished two main purposes of social activities: on the one hand, security and justice require centralized governmental control, which must extend to the creation of a world government if it is to be effective. Progress, on the contrary, requires the utmost scope for personal initiative that is compatible with social order. The method of securing as much as possible of both these aims is *devolution.* The world government must leave national governments free in everything not involved in the prevention of war; national governments, in their turn, must leave as much scope as possible to local authorities. In industry, it must not be thought that all problems are solved when there is nationalization. A large industry—e.g., railways—should have a large measure of self-government. . . . Everything concerned with opinion, such as newspapers, books, and political propaganda, must be left to genuine competition . . . the competition must be cultural and intellectual, not economic, and still less military or by means of the criminal law" (pp. 67–68). Mr. Russell refuses here, at any rate, to plumb the depths of the problem of the reconciliation of liberty and authority and both his analysis and his prescription border on the platitudinous. He suggests at the conclusion of his lectures that men are "frustrated" by their own "folly" and that only when they learn "self-control" will they be able to use wisely the opportunities provided by their scientific knowledge and technological skill (p. 79). That the predicament of man stems from a defect in human nature much more serious than "folly" should be obvious from the experiences of recent years. Hitler was not merely foolish but wicked, his concentration camps and mass murders not the consequence of the mistaken judgment of a man of essentially good will but the embodiment in especially vicious form of a human depravity that infects us all. And if the totalitarian dictatorship illustrates anything it certainly illustrates the fact that so-called self-control is generally no control at all. It is because men frequently do that which they hate and find great difficulty in doing that which they know they ought to do that they are frustrated. It is not ignorance of the good that is man's greatest obstacle but self-imposed frustration.

Despite, what seems to me, his over-simplified analysis Mr. Russell does speak some words of wisdom. There are things, he points out, "that have a value which is quite independent of utility. What is useful is useful because it is a means to something else, and the something else, if it is not in turn merely a means, must be valued for its own sake, for otherwise the usefulness is illusory" (p. 71). "Our political and social thinking," he says, "is prone to what may be called the 'administrator's fallacy' by which I mean the habit of looking upon a society as a systematic whole, of a sort that is thought good if it is pleasant to contemplate as a model of order, a planned organism with parts neatly dovetailed into each other. But a society does not, or at least should not, exist to satisfy an external survey, but to bring a good life to the individuals who compose it. It is in the individuals, not in the whole, that ultimate value is to be sought. A good society is a means to the good life for those who compose it not something having a separate kind of excellence on its own account" (p. 73). Although he eschews any specific theological convictions he says that there is a great deal of wisdom in the teaching of Socrates and of the Apostles, especially when they "laid it down that we ought to obey God rather than man" (p. 70). Men need, he thinks, "a sense of moral compulsion to fulfill their creative impulses and a sense of moral exaltation when they have done so" (p. 70) but he believes, curiously enough, that such a conception of duty to God "is separable from theological belief" (p. 71). If Mr. Russell's book does not contain an answer to the question which perplexes us all, it does serve the useful purpose, nevertheless, of stimulating thought on what is probably the most important question of our times.

JOHN H. HALLOWELL.

Duke University.

Freedom and Welfare in the Caribbean; A Colonial Dilemma. BY ANNETTE BAKER FOX. (New York: Harcourt, Brace and Company. 1949. Pp. x, 272. $3.50.)

On the whole it is an encouraging and optimistic report on the Caribbean which Annette Baker Fox has rendered in this book, although, as she is well aware, it is inevitably no more than an interim report. Many things are stirring, much has been begun, and new ideas and new forces are on the move, but of the ultimate shape of things to come there can at the present time be nothing approaching certainty. Even without the element of prophecy, which she only rarely interjects, it is highly useful to have a number of complex strands and problems brought within the limits of a single book of manageable length.

The area to which Mrs. Fox has devoted her attention is considerably more limited than the main title of the book suggests, and even the sub-title is slightly misleading inasmuch as she has deliberately limited herself to the British and American dependencies in the Caribbean with virtually no mention of either the independent Caribbean republics or the French and Dutch colonies which are now embraced within the scope of the Caribbean Commission. Enough has happened, however, in the last couple of decades within the colonies on which she concentrates to justify amply the attention she gives them.

The central theme which Mrs. Fox has developed, and which she uses to give the scheme of organization of the book, is the rich and rewarding one of the contradictions and coincidences between social, economic, and political development. As her opening paragraph indicates, there has been a strong and growing demand for both self-government and freedom from want from the West Indian colonies but "this has placed the United States and Great Britain in a dilemma, for satisfaction of one demand was very likely to prejudice fulfillment of the other." The dilemma is one which in some measure confronts all underdeveloped peoples, but which is peculiarly acute in colonial areas and areas just emerging into independence, and for the metropolitan powers which continue to have jurisdiction or responsibilities. It would, perhaps, be easy to put an end to the political subordination involved in the colonial relationship; it is far more difficult to lay the economic and social foundations which will serve to make political independence real and meaningful. In brief, one central aspect of the issue is that if extensive social and economic development aid of a variety of kinds is to be forthcoming from the imperial center it is humanly almost unavoidable that it should carry with it increased strings of control, and, furthermore, in most instances it is essential that some such control should exist if the aid is to be effectively utilized. But the matter by no means stops there. As Mrs. Fox cogently points out, another central facet is that the forces recently at work have everywhere conspired to bring new powers to formerly submerged masses who stand peculiarly in need of intensive social development. Social welfare policies and activities are expensive; economic development is needed to provide the wherewithal and must in considerable part be financed and guided from outside; outside finance and guidance tend to run sharply against the current of demand for self-government.

In working out the elements which enter into this and related dilemmas, Mrs. Fox has drawn upon a wealth of material—indeed, not the least of the values of her book lies in her footnotes which bring together the mass of documentary and secondary literature available. The one critical comment which this reviewer feels called upon to make is that the book's scheme of organization inevitably fails to create a sense of the living existence, of the flesh and blood reality of any of the several colonies and peoples with which it deals. This is a perhaps inescapable defect of the method of treating the subject in terms of problems and issues rather than by giving a rounded picture of each of the colonies involved, but the method has the counterbalancing virtue of enabling a comparative treatment. If the ideal book would more successfully achieve both goals, this one contains much for which there is sound reason to be grateful.

RUPERT EMERSON.

Harvard University.

Labor in Norway. BY WALTER GALENSON. (Cambridge: Harvard University Press. 1949. Pp. xii, 373. $5.00.)

From intimate personal acquaintance, observation, and documentary sources, Galenson sketches the history and structure of the Norwegian labor movement, methods of collective bargaining between organized employees and equally well organized employers, legislation, industrial labor practices, and, finally, the impact of labor government upon the labor market. The study is scholarly, interestingly written, sympathetic to labor and socialism, but restrained. With due regard for differences in geography, tradition, and institutional patterns, and without polemics, parallels and contrasts with the American scene are constantly drawn.

According to Galenson, Norway since the War "has moved further toward a planned economy than any other western democracy." But the socialist goal in Norway is a mixed economy rather than one that is completely nationalized. Both labor and management agree that "a quiet revolution" is taking place. This is led by a strongly Marxist labor movement that has been kept democratic, that has risen to power by Fabian methods, and that has been sobered by responsibility. The prospects are good, the author predicts, that a socialist economy will be achieved "gradually and without force."

Collective bargaining is undergoing great change; habitual bargaining patterns continue but there is increasing state intervention with employers realizing that in the event of "real interest conflicts" the power of the state will inevitably be thrown into the balance on the side of labor. Unions have become partners in management forcing them to shift attention from bargaining and combat to efficiency, productivity, and even discipline of the workers. Trade union independence and autonomy die hard, however, and while this tends to confound labor majorities in Parliament all Norwegian socialists realize its importance in "affording the individual worker protection against the arbitrariness of the state."

Galenson's observations on the subject of dispute settlement are of special interest. Compulsory mediation, with an accompanying "cooling off" period, is an unquestioned success. So is the Labor Court that has had jurisdiction since 1915 over disputes arising from the validity and interpretation of collective agreements. Indeed, this is "perhaps Norway's most significant advance in the sphere of industrial relations." The author is less certain, however, about compulsory arbitration of "interest" disputes that has been tried from time to time, most recently since the War. He concludes that it "undoubtedly weakened collective bargaining," that employers invariably and workers usually accepted arbitration awards with good grace, and that it is nearly impossible for a labor government to enforce legal sanctions against unions and workers. "Unless," the author asserts, "there is firm and widespread conviction that arbitration is just and equitable, it will not work." It has probably helped, the author concedes, during emergency periods and he thinks for the immediate future planned production implies planned wages fixed by public authorities. After making this concession the author promptly warns that the "institutional background of Norway's most recent experience with compulsory arbitration renders dubious the application of any generalizations therefrom to the contemporary American scene."

This is an important book for political theorists and public administrators as well as for specialists in labor and economics. For social scientists generally it sets a high standard for painstaking inquiry, careful reporting, and penetrating but guarded analysis and interpretation.

JOHN H. FERGUSON.

Pennsylvania State College.

Social Background of Indian Nationalism. BY A. R. DESAI. (Bombay: Oxford University Press [Indian Branch]. 1949. Pp. 398. $7.50.)

India and Pakistan undertook the responsibilities of government which came with independence. At the outset, the difficulties facing both countries were severe; and of these none was more tangled than the adjustments made necessary by the partition of a sub-continent which formerly had been shared. If new international status marked the end of a long and bitter independence movement, such status did not eliminate or greatly simplify the complex social and economic problems confronting the two states. The creation of Pakistan is perhaps the clearest indication of the social heritage which came with the transfer of government from British to Indian and Pakistani hands. This heritage forms the framework within which the two governments operate and the foundation for analyses by social scientists interested in India.

For its contribution to an understanding of this foundation, A. R. Desai's *Social Background of Indian Nationalism* is a valuable addition to the India library. The book was originally written as a Ph.D. thesis at Bombay University, dated April, 1946, and has been published as Volume II in the Sociology Series, University of Bombay Publications, under the general editorship of Professor G. S. Ghurye. It is a carefully executed dissertation containing a wealth of specific references and an excellent selected bibliography.

Dr. Desai's thesis conclusion is that a united, independent India with a socialist economy might be able to deal adequately with the accumulated foci of crises represented in Indian nationalism, but that the chances for the complete realization of these aims are small at the present time. For a starting point in his study, he presents a brief survey of pre-British Indian economy and culture. He then traces the impact of British rule on this social structure, covering a number of analytic categories including the transformation of agriculture, the decline of the town handicrafts and village artisan industries, the development of modern industry and transport, the evolution of modern education, new social classes, and others. Each chapter is treated as a unit indicating a phase in the development of Indian nationalism, but all are interwoven to form parts of the general thesis. The chapter on political development is perhaps the weakest in the book. It should be noted, however, that the author explains the shortcoming as one entailed by the object of his study, which was concerned with factors of social background and not their repercussions in the sphere of politics. The last chapter, "The Problem of Nationalities and Minorities," was written before 1947 and contains generalizations which may seem obsolete today.

The author claims to have used the method of historical materialism for "locating and assessing the specific weight of different social forces which evolved and formed the social background of Indian nationalism" (Preface). It is true that the class struggle is given considerable emphasis throughout the book, particularly in the early chapters on agriculture and industry. Imperialism is subjected to minute criticism, with stress on Lenin's views. Marx's statements on India are reproduced faithfully, often out of time context, as are those of Lenin, Stalin, Joshi, Adhikari, and other followers of Marx. As an historical-materialist interpretation, this study seems to lack a compensation in time differential between Marx's mid-nineteenth century and our twentieth century. The disciple misuses his master's method. The chief value of Desai's book is not his attempt at a Marxian analysis; rather it is the excellent quality of his synthesis of scattered primary and secondary source materials into compact form. Dr. Desai does offer a cogent argument for the socialist case, despite this criticism of method. In this connection, Gandhism is given careful attention, with conclusions neither of adoration nor of complete condemnation. In his Epilogue, the author remarks: "The national movement still remains essentially determined and dominated by the Gandhian outlook and Gandhi's political philosophy and leadership. It still, in the main, reflects the interests of the capitalists and other upper classes" (p. 596). Socialist critics of the new Indian government reiterate this charge.

Very little new factual information is included, for the author did not attempt detailed primary research in any single subject. The weighting of authorities consulted is heavy on the side of Indian nationalists of socialist persuasion, but Mr. Desai does not ignore standard works which do not happen to bolster his thesis. The stating and restating of the same idea in several different orders is annoying at times, but helpful in the more complex sequences.

Students of India and of nationalism will be interested in this book for its own content and for its references to additional relevant materials.

RICHARD L. PARK.

Calcutta University.

China, the Far East, and the Future. BY GEORGE W. KEETON. (London: Stevens and Sons, Ltd. 1949. Pp. xi, 511. 21s.)

The first edition of *China, the Far East, and the Future,* was published under the auspices of the London Institute of World Affairs, in 1943. This revision carries the account through 1946. The aim of the author is "to give the Western reader a general account of the problems which have been created by the rise and fall of the colonial system in the Far East, and to show how those problems are rendered more difficult of solution by the failure of the Soviet Union on the one hand the United States and Britain on the other to pursue an agreed policy towards them." The reader will probably conclude that an additional purpose is to bring him, as V. K. Wellington Koo puts it in an introduction, to a keen realization that Japan's aggressive operations against China and the other Powers in the Far East were born of a deep-rooted ambition for aggrandisement and expansion, which found expression in a consistent policy and in elaborate preparations throughout many years (p.x).

The book is divided into five parts: (1) The Rise of Chinese Nationalism; (2) Russo-Japanese Rivalry in the Far East; (3) Japan's Bid for Mastery of the Pacific; (4) The Far East in Transition; and (5) Far Eastern Policies of the Powers. In four appendices, the texts of the American note to Japan of November 26, 1941, and the Japanese reply of December 7, the new Japanese constitution, General MacArthur's order establishing the Far East Military Tribunal, and the most recent Chinese constitution are published, followed by a "select" bibliography. The time span covered is somewhat more than the past century. About half of the book covers the period before the outbreak of general war in the Pacific. Some of this ground is, however, re-covered by repetition in the second half of the volume as a consequence of the method of treatment employed. The first two parts are also weakened by occasional misstatements of fact, some of which are undoubtedly the result of hasty proof-reading and others of the amount of ground covered in summary fashion. Since the book is addressed to the general reader, the student of Far Eastern history and politics should expect to find little new material in it, either in detail or in interpretation, except as the author reëxamines the past in the light of the understanding developed by the events of the past two decades. An exception to this generalization will probably be found in Part IV, where recent developments in the less well-known parts of the Far East (the colonial area) are summarized. In this section the least satisfactory treatment is that of the Philippines. It is noteworthy, however, that in this section, as throughout this revision, the author properly places his emphasis on nationalism rather than on communism as the primary moving force in the Far East.

HAROLD M. VINACKE.

University of Cincinnati.

Modern Foreign Governments. BY FREDERIC A. OGG AND HAROLD ZINK. (New York: The Macmillan Company. 1949. Pp. xi, 1004. $6.00.)

Modern Foreign Governments is an extensively remodeled and up-to-date successor to Professor Ogg's earlier standard work, *European Governments and Politics.*

As Professors Ogg and Zink state in their preface, there are widely divergent ideas about the proper content of comparative government courses. The usefulness of this competently written textbook will therefore depend upon how well its basic outline fits the particular instructor's idea of what his students ought to be taught. The authors approach the subject on a country-by-country basis but nevertheless point out particularly apt comparisons with other governments as they go along. They cover a fair number of governments; in addition to extended treatments of England, France, Germany, and the U.S.S.R., they have included a chapter or so each on Canada, Norway and Sweden, Argentina, and Japan.

The fullest discussion, 38% of the textual total of 987 pages, is reserved for England. This material is mainly a modernization of the information already so impressively and more fully presented in Professor Ogg's older *English Government and Politics*. In addition to full discussion of the English crown, parliament, judiciary, and local government, the authors have added a new chapter on government in control of economic life, stressing the nationalization acts of the Labor government. The scholarly impedimenta are contained in the voluminous footnotes, which serve as current guides to most of the important writings in the field.

The chapters on France, about 18% of the book, approach the Fourth French Republic from the historical point of view. After extensive treatment of the constitutional evolution, the parliament and the executive of the Third Republic, the authors describe its downfall, the Vichy interlude, the constitution-making of 1945–1946, and the government of the Fourth Republic. Shifting from the chronological approach, they next describe French parties, justice and local government, mainly in the light of the Third Republic, but not forgetting recent developments.

A somewhat similar approach is made to Germany, to which the authors have devoted only slightly fewer pages than to France. After a chapter on the antecedents of the Weimar government, the authors deal with the Weimar parliament and executive. The rise, rule, and fall of Hitler are discussed, and then the allied military government, and the political reconstruction of Germany to May, 1949. While it is always dangerous to speculate on the respective contributions of collaborators in jointly produced textbooks, the military government chapter seems to be the pungent product of Professor Zink's rich personal experience.

In comparison with its predecessor, this volume has six chapters on the U.S.S.R. instead of three. These constitute nearly 13% of the book's pages and deal with the rise of the Soviet state, the communist party and elections, the constitutional system and the theories underlying it, governmental organs and processes, the all-encompassing role of the state in society, and lastly the regional and local government.

The authors have aptly described their own book by saying that they "believe that a reasonable amount of attention to historical development is essential if anything like a well-rounded knowledge and understanding of modern political institutions is to be expected." They have acted on this belief fully and well, although they have not neglected to describe the major modern developments. Although a reviewer can always quarrel with a point here and there, it is surely accurate to say of this volume that the authors have sustained the high level of achievement which they have set for themselves in earlier works.

EDWARD G. LEWIS.

University of Illinois.

The United States in World Affairs, 1948–1949. BY JOHN C. CAMPBELL AND THE RESEARCH STAFF OF THE COUNCIL ON FOREIGN RELATIONS. (New York: Published for the Council on Foreign Relations by Harper & Brothers. 1949. Pp. xvii, 604. $5.00.)

This third postwar volume of the annual survey of American foreign policy prepared by the research staff of the Council on Foreign Relations fully maintains the high standard set by previous surveys. This volume covers in considerable detail the period from the spring of 1948 to the spring of 1949, but it reaches further back into the postwar period now and then to provide a setting for or to indicate the significance of the events of the period under review. As Mr. Campbell points out in his preface, "this book is intended to be a straightforward, factual account of American foreign relations [and] does not defend any particular policies nor . . . attempt to weave the story around any theme or interpretation." It succeeds admirably in this purpose.

The principal underlying theme that gives consistency to our foreign relations and, consequently, to this book, is, of course, the Cold War. It is all pervasive: it crops out or is patently in the background in the discussion of every phase of our external relations, whether with the nations of Europe, the Middle East, the Far East, or the Western Hemisphere. "Concentration on the Soviet issue reflected a new realism in American foreign policy, a realism that first things . . . must come first," say the authors. However, although the moral is not pointed, it is apparent as one reflects on recent developments in foreign relations with the assistance of Mr. Campbell and his associates that while there are many evidences of growing realism in foreign policy there is yet room for much more. This is apparent as one follows the very tactful account of the part played by the United States in the emergence of Israel, an important factor in our relations with Great Britain, with the Arab states, and even with the U.S.S.R.

It is commendable that on occasion the authors have permitted themselves to add a bit of editorial comment. Observations, such as, "political democracy has something less of an attraction than national and social equality to those living at the subsistence level and subjected to colonial rule or local despotism" (p. 270), or (speaking of the fate of Hyderabad) "this further illustration of the effectiveness of using force first and talking afterward did no service to the prestige and authority of the United Nations" (p. 442), undoubtedly point up and enliven a narrative account without necessarily displaying more of partisanship than is implicit in the very selection and organization of facts for presentation in summary form. In the reviewer's opinion, objective conclusions of this nature might in future surveys be drawn more frequently to the advantage of the reader.

To produce this book—to gather all essential materials, to decide which developments were noteworthy and to place them in proper juxtaposition—could not have been an easy task. Writing so near to the events themselves, the authors could not always have been sure of having a good perspective. At all events, they have brought forth an indispensable reference work, complete with introduction by General Marshall, extensive bibliography, chronology of world events, text of the North Atlantic Treaty, and maps.

HALFORD L. HOSKINS.

Library of Congress.

Public Opinion and Foreign Policy. BY LESTER MARKEL AND OTHERS. (New York: Harper and Brothers. 1949. Pp. xii, 227. $3.50.)

A running discussion rather than a symposium, this unpretentious book started as a group study of the Council on Foreign Relations about two years ago. Hanson W. Baldwin (on the military), Arnaldo Cortesi, James Reston (on the President), W. Phillips Davison (on the State Department), C. D. Jackson (on mass media), Shepard Stone, Cabell Phillips (on Congress), and Martin Kriesberg join with Lester Markel in the writing. The government role, at home and abroad, is the special concern of the study. More than half of the pages are devoted to opinion in the United States. It is in a sense propaganda for propaganda—and information. The only disagreement concerns polls and surveys.

I am not entirely clear about the intended audience, but one expectation has probably been fulfilled—"to prove of some service to the makers of our foreign policy." It may be the hen or the egg issue, but one could end up slightly more tolerant with the "public" (granting its "dark areas of ignorance") than with the government and the media of mass communication. Concerning publicity on the Marshall Plan, Davison declares, "Newspaper correspondents and experts on foreign affairs were confused and exasperated" (p. 139). Baldwin goes so far as to say, "The influence of the military on public opinion—a necessary influence in the atomic age—has reached the point today where it is time to call a halt" (p. 119).

A book such as this can evoke, of course, a variety of queries from each reader. At the risk of misunderstanding, one might inquire what improvement in our foreign policy during the past four years would have come about if the percentage of the informed public were higher. What percentage of the population *has* to talk about foreign matters? The book says, "an uninformed electorate acts as a drag upon the government" (p. 63). "Unless we educate public opinion at home, we shall not be impelled to do the job in foreign policy that needs to be done" (p. 3). If we had a better informed public opinion, "Congress would be under greater pressure to consider legislation on its intrinsic merit" and "we would not have to use the shock technique to which the government believes it has to resort to awaken the Congress to the need for a Truman Doctrine or a Marshall plan or a defense program" (pp. 88, 215). Despite these statements, a clear picture of "the effects on foreign policy of lack of information, misinformation and prejudice" did not get through to this reviewer.

It is said that inside Russia alone "more than a million persons are involved in propaganda work" (p. 150). No such figure is advocated for us, though more effective staffing for information and propaganda appears to be recommended as well as a better sense of public opinion among all policy makers. In addition, we are left with the moral that "Truth is the essence of information. It must be the essence of propaganda, also, if propaganda is to prevail. A Goebbels may have a temporary success, but sooner or later an edifice built on lies will crumble" (p. 18).

RICHARD H. HEINDEL.

Washington, D. C.

Promise and Fulfilment; Palestine 1917–1949. By ARTHUR KOESTLER. (New York: The Macmillan Company. 1949. Pp. ix, 335. $4.00.)

This book is not an important contribution to its much-vexed theme. It is not even a valid tentative summary of a situation, one of those useful treatments that calls a halt to polemics while it tidies up the material for future careful handling.

If, on the one hand, the author calms passion by observing that "the discussion about the problem of Palestine for the last two decades has been a classic example of semantic confusion aggravated by emotional bias," on the other hand and more frequently he indirectly inflames it by reviving old scandals with fresh enthusiasm. He denies the "diabolic" interpretation of British action as developed by Jewish feeling only to illustrate at length the "pseudomachiavellianism" of Mr. Bevin, the British Colonial Administrator, and the Arab expert. The "psycho-somatic view of History," on which he insists from time to time, is continually being interrupted to make judgments based on black and white illustrations of policy-making, pieced together by skimming secondary sources with an eye trained for the "scoop" and the "hot tip."

The middle section of the book, which consists of journalist's notes taken between June and September, 1948, sets the basic tone of the work. Here are deployed the crudely colored observation, the whimsically selected contrast, the bright story that only foreign correspondents seem to hear, the inflated trivia, and the too neat historical analogy. This is the journalist's pattern. Unfortunately, its uninhibited use in this one section has an undesirable effect on the preceding section, where historical background is provided at a presumed different and higher level. The selection and interpretation of the background becomes ultimately suspect through being linked with a piece of conventional journalese. The reader who began by thinking that he was being taken up into a mountain for a clear wide view, ends by finding that he has merely been taken to a cocktail party.

However, there is undeniably an audience for this kind of experience, and to this audience the book should have frankly addressed itself. It has the incidental merits which a competent and sometimes even historically sensitive observer can bring to his work. It has flashes of insight which the student of international politics only too often fails to show but which he should grasp when they are put before him. It is frequently and pointedly quoteable as when, in speaking of the Israeli tendency to equate Western imperialism and Eastern totalitarianism, it says "The Democracies in their present form may be cold comfort, but they are comfort nevertheless." It is capable of good, though short and rather breathless analytical excursions. Chapter III, which considers the impact of the Jew on the Arab in an area that was essentially Arabian, is excellent both in the vigor of its detail and the detached balance of its generalization. Finally, the closing note on the culture of the new state of Israel is legitimately provocative; and that on the political structure of Israel is a first class piece of exposition, worth keeping in an active file.

William Reitzel.

The Brookings Institution.

Most of the World. Edited by Ralph Linton. (New York: Columbia University Press. 1949. Pp. 917. $5.50.)

The title of this book is descriptive of its contents. In covering most of the peoples and areas outside of our "so-called Western Civilization," this volume offers a general survey of the political, social, economic and cultural life of more than two-thirds of the world's population. Fourteen social scientists are responsible for the twelve lengthy and dissociated chapters which follow a brief introduction by the editor.

Each author has spent much time in the area he writes about and is a recognized authority on the material covered in his chapter. A selected bibliography accompanies each chapter. Regions covered in the volume are Latin America, South Africa, the Near East, India, Southeast Asia, Indonesia, China and Japan.

The chapters are all well written and are easy to read. Enough statistical information is included to impress the reader with the importance of the problems faced by the countries covered. The whole treatment is extensive rather than intensive and often the reader wishes it had been possible for an author to give more details about the particular country or area which is the subject of his chapter. And yet the more than nine hundred pages in the volume make it a rather formidable book to read.

In most of the regions treated over-population and usually backward economic conditions make for bad social and health problems which are not always easily understood and certainly not easily solved. Nevertheless the authors are generally optimistic that these problems can be solved by some balanced modernization of all the world's backward areas. In fact much has already been done to improve the standards of living and health conditions in a number of these areas, particularly in the British and French parts of Africa. Also there have been some accomplishments along the lines of self-government but these must inevitably move slowly in most regions.

The need to develop a program to put into effect President Truman's Point

Four is graphically illustrated throughout this book. It is encouraging to note the beginning of such a plan through the United Nations but this program too must move slowly.

But it is only through some such international planning that the vast mineral resources in Africa and South America can be developed for the welfare, first, of the peoples living in these territories and second, of the peoples the world over. Exploitation of these vast resources by any outside power acting on its own must be prevented in this day of international planning for the welfare of the whole world. The book is based upon the assumption that "one world is today a functional reality," whether we like it or not, and that we must all "stand or fall together."

This volume is vitally important to any reader interested in those regions discussed. It also provides a strong argument for those of us who believe in the essential oneness of the world and the paramount necessity of an international program, political, social and economic, to meet this situation.

CARL M. FRASURE.

West Virginia University.

Latin American Politics and Government. BY AUSTIN F. MACDONALD. (New York: Thomas Y. Crowell Company. 1949. Pp. vii, 620. $4.50.)

When medals are struck off for courageous text-book writers, Professor Austin F. Macdonald's name should head the list. This reviewer believes that anyone undertaking to write a volume on Latin American government and politics should consider the possibilities of a loose-leaf type of book with provision for the distribution of frequent revisions. In few areas of the politically-organized world has government proved to be so unstable and so highly dependent upon personal factors. To be fair, exceptions exist in Chile, Uruguay, Colombia, and perhaps Costa Rica, cited by Professor Macdonald as a staunch defender of the democratic faith, but which, he says, "has experienced three successful revolutions within recent decades, both arising from popular discontent with the policies of the government" (*sic* p. 21).

The difficulties of the author's task are compounded by the scarcity of competent studies of Latin American political life by North American or European scholars, and by the almost unanimous refusal of Latin American writers to come to grips with political realities. Professor Macdonald in his preface justly complains that students insist on describing governments as they ought to be, or as the constitutions describe them, with little interest in reporting what they actually are. Moreover, it is difficult to keep pace with the frequent changes in constitutions and laws in even the more stable countries. A new Argentine constitution, for instance, was promulgated in the few months intervening between the final copy and the publication of Professor Macdonald's text.

The twenty countries are surveyed in some six hundred pages of text, with over half devoted to Argentina (89 pp.), Brazil (76 pp.), Mexico (82 pp.), and Chile (58 pp.). Historical material has been kept to a minimum, in most instances to the political history of the past generation. Treatment of political leaders and their parties has been rightly emphasized, because the story of the men who dominate Latin American governments and political parties is the story of contemporary Latin American politics. In each case, the structure of the government is described according to the constitution and laws. Proper allowance for divergence between theory and practice is made in the first chapter which lists the standard reasons why constitutional government in Latin America is always a "goal" to be striven for rather than something practical for current use.

With respect to Latin American leaders, parties, and governmental politics, Professor Macdonald is as fair in his judgment as any observer could be. The book was written primarily from information gathered at first hand in Latin America from political big-wigs, diplomatic officials, government workers, Latin leaders, and "hundreds of Latin Americans of every political and social class." Subjective evidence of this kind frequently produces a catalog such as one finds in John Gunther's *Inside Latin America*, but Professor Macdonald has avoided this type of treatment. He has tried in each instance to give as objective and balanced a picture of the politics of each country as the sources permit: Perón is described as a demagogue and dictator; Vargas as an easy-going "dictator" who operated like a successful United States municipal "political boss," showing his teeth only on occasion; Juan Antonio Ríos and Gabriel Gonzáles as Chilean leaders sincerely interested in their nation's welfare as against the party's welfare; Haya de la Torre sympathetically as a Peruvian agitator and reformer; Laureano Gómez as Colombia's leading reactionary. The student being introduced to the personalities on the Latin American political scene should find much helpful material in this book. Taken for what it is intended to be—a survey of Latin American political life and institutions—it is a good book.

The book is written in an informal, readable style; there are no maps except small outline ones at chapter headings to give a rough idea of the location of the country under discussion; there are a few pictures, and still fewer charts. The proof reading has not been especially meticulous. The index is satisfactory.

With the publication of *The Constitutions of the Americas*, edited by Russell Fitzgibbon and others, and Professor Macdonald's book, students in the few courses in United States colleges and universities devoted to Latin American politics and government will now have a more substantial fare than mimeograph materials, references to magazine articles, and extracts from volumes treating aspects of Latin American relations.

EDGAR B. CALE.

University of Pennsylvania.

BRIEFER NOTICES

AMERICAN GOVERNMENT AND POLITICS

Frederick L. Bird in his *A Study of the Port of New York Authority* (Dun and Bradstreet, 1949, pp. 191, $5.00) has provided a long needed review of the operations and progress of that most famous of regional agencies at the state level of government. This book and Dr. Erwin W. Bard's book on the organization and early history of the Port Authority together provide both the student and the government official with an excellent picture of the genesis and operation of this interstate agency. While the Bard study is an analysis of the original problem, of the provisions of the interstate compact, and of the Authority's efforts with respect to the comprehensive plan, Dr. Bird's book is largely devoted to other important aspects which have become more notable during the recent history of the development of that body. He reviews the postwar progress and plans of the Authority and his analysis of its operations and successful financial policies is particularly valuable. The growing role of the Port Authority as a regional planning and administrative agency is clearly evident in the light of his study, as is its growing success in fulfilling the basic purposes of the compact of 1921, despite the failure to effectuate the original "comprehensive plan" with respect to the integration of railway facilities in the port district. The book emphasizes the financial aspects of the Port Authority's operations and is of value to the student of public enterprise. It appears at an auspicious moment. While the National Resources Committee as far back as 1937 called attention to the fact that twenty-two of our ninety-six metropolitan districts straddle state lines and suggested the use of interstate compacts to integrate administration of common functions and facilities in such interstate urban areas, no other area of this character established an agency similar to the Port Authority until 1949 when Missouri and Illinois ratified a compact establishing a bi-state agency for the St. Louis area. Pennsylvania and New Jersey are considering similar action in the Philadelphia area. Dr. Bird's study should provide guidance in the establishment, operation and financing of interstate agencies of this type.—FREDERICK L. ZIMMERMANN.

The first book-length commentary on the Hoover Commission is *Big Government; The Meaning and Purpose of the Hoover Commission Report* (Whittlesey House, McGraw-Hill Book Co., Inc., 1949, pp. xii, 366, $4.00). Written by Frank Gervasi, staff editor of *Collier's*, as an explanation for the general public of the significance of the Commission's work, the volume is also valuable to the political scientist. After a prefatory tribute to Mr. Hoover's leadership on the Commission, Mr. Gervasi divides his book into three parts, entitled "Executive Jungle," "Areas of Waste," and "Global Responsibilities." Part One, dealing with earlier attempts at reorganization and the Commission's suggestions concerning the presidency and departmental management, is the weakest and briefest section of the book and contains numerous minor inaccuracies and misinterpretations. Part Two, which in a dozen chapters takes up management problems such as personnel and fiscal administration, and the operation of agencies concentrating on domestic programs, is by far the best. The chapters in Part Three relating to the State Department and the National Security Organization are quite adequate. A brief epilogue describes progress on acceptance of Commission recommendations up to mid-summer of 1949. Several appendices present excerpts from Commission reports stating minority views on especially controversial issues such as natural resources, government in business, and medical activities. The volume ends with a listing of Commission members and task force personnel, and a helpful index. Throughout Mr. Gervasi has wisely emphasized the task force reports as well as the Commission reports themselves, and has shown when the Commission did and when it did not follow task force advice. He has also pointed to the significance of minority points of view on the Commission. Major gaps in coverage, and inadequate backing for some Commission recommendations, are unerringly singled out for comment. The result is an enthusiastic general endorsement of the Hoover Commission's work, tempered by a discerning awareness of weaknesses in the Commission's prescription for executive reorganization.—Ferrel Heady.

Don J. Bogue's *The Structure of the Metropolitan Community, A Study of Dominance and Subdominance* (Horace H. Rackham School of Graduate Studies, University of Michigan, 1949, pp. x, 210) is one of the contributions of the Institute for Human Adjustment, Social Science Research Project, of the University of Michigan. Its author is a demographer of the Scripps Foundation for Population Research. Students of metropolitan government may be attracted by the book's title but in fact the work does not deal with government at all. It is essentially a study of the population and the economic structure of metropolitan communities; and the latter term is taken as including not only the urbanized center but also the entire hinterland for each such center to a point midway between it and the next metropolis. The purpose of the research, which was mainly statistical and based upon the 1940 census of the United States, was to test the "general theory of urban dominance, that is, that cities in general are the foci about which the life of modern nations is organized." This theory was made more specific by the formulation of a number of more detailed questions about the distribution of population and of human activities outward from the larger cities. Such factors as industry, wholesale and retail trade, and service activities received special attention. Despite great variations in the nature and extent of dominance from one factor and from one urban center to another, a definite pattern was found to exist and is well presented in many tables and graphs. A skeptical reader might argue that the findings, ably summarized in Chapter 3, merely prove the obvious. Actually the theories of metropolitan influence of N.S.B. Gras and others had never before been subjected to rigorous statistical analysis, and the findings in this study add much to the general theory to make it more specific and also to qualify it in a variety of ways. The work was well worth doing, therefore, and students of government will find the result to be of some value as background material for their own metropolitan studies. They can easily show, no doubt, that metropolitan structure is not just the patterns of distribution of population and economic activities; it includes many social, political and administrative factors that are not discussed in this monograph.—William Anderson.

In *Police Systems in the United States* (Harper and Brothers, rev. ed., 1949, pp. 351, $5.00), Bruce Smith addresses to political scientists, public administrators, and alert citizens an authoritative analysis of the problems of police organization and administration, inter-agency non-cooperation, and public misunderstanding which combine to make our police services expensive, inefficient and confusing. Not since Raymond Fosdick published his *American Police Systems* thirty years ago has there been available so well-documented, so clearly written, and so bravely honest an evaluation ("bravely" for Bruce Smith is official advisor to the International Association of Chiefs of Police) of the federal, state, municipal and rural law enforcement mechanisms which occupy strategic niches in our governmental structure. Smith's theme is expressed simply: "The police problem . . . is still a prominent feature of the American scene largely because of errors . . . in the organization and management of police and in the methods employed to secure popular control." This underlying theme continually recurs throughout his analysis of police and crime problems, of organization in specific police units and police organizational theory, of the proper role of the police organism in a democratic society, and especially in his "Outlines of Future Development." Much of what Smith writes is controversial, even provocative. His new chapter on traffic, his demand for central services and police unification, his kiss-of-death to civil service (" . . . the merit system as now practiced is . . . largely concerned with a personnel of mediocrity"), and his hope for the emergence of a police profession "which will thenceforth proceed to regulate and control its members without corrective action by the public on any but rare occasions" will excite argument within and without police ranks. Smith will welcome such controversy, for despite his lifetime study of police problems he admits frankly that "there is no well-defined path out of this morass of uncertainty and confusion." If *Police Systems in the United States* inspires students of politics to inquire into problems of police administration, organization, and operations—and interrelated problems of the administration of criminal justice—it will prove a most valuable contribution to the literature of political science.—DONAL E. J. MACNAMARA.

The Direct Primary in Georgia (The University of Illinois Press, 1949, pp. 125, cloth $3.00, paper $2.00), by L. M. Holland, is largely an historical study of the origin and evolution of the system of direct nominations within the Democratic party of Georgia from its first adoption in Fulton County as early as 1874 to the present. Unlike the direct primary in most states, that of Georgia has been the product more of party rules than of law. Spreading at first from county to county for local nominations, it was not used for the nomination of statewide officers until 1898. At no time did the legislature enact a comprehensive law regulating its use, but rather over a long period of years in a piecemeal fashion there has accumulated a body of primary statutes which still leaves a great deal to the determination of party rules. The system is essentially optional. The primary is also administered and financed by the party. Because of the lack of official party records, the writer had great difficulty in assembling his materials for this study, but, even so, he seems to have done a thorough job. The many peculiar features of the system are clearly described, notably the unique county-unit system, the use of the run-off primary, the extensive powers of the state convention and the state executive committee, the white primary, and the optional presidential primary. Due stress is also given the social and political factors in Georgia which have produced and which serve to perpetuate a special version of the direct primary, odd enough even when compared with the primary systems of most other Southern states.—O. DOUGLAS WEEKS.

Selective Service in North Carolina in World War II (University of North Carolina Press, 1949, pp. xxiv, 451, $6.00), by Spencer B. King, Jr., is the product of cooperative effort. Funds in support of the project were assigned to the University of North Carolina by the state government, and a University committee was created to assist in planning the study. The most immediate supervision was provided by the Institute for Research in Social Science and the Department of History. Upon completion of this study it was accepted by the Governor as the official history of selective service administration in North Carolina. Attention first is given to the long-time planning for selective service, and the point is made that for the first time in United States history the plans for drafting military manpower were not made during the turmoil of war. Planning began several years before World War II started, and selective service was put into operation before the United States officially entered the War. The major portion of this volume presents the step-by-step procedure by which selective service was organized and administered in North Carolina, and an analysis of the immediate effects of the War upon agriculture, industry, individuals, and social institutions. Constant comparisons of the North Carolina situation with that of the nation as a whole are made. The author does not present his own evaluation of the operation of selective service in North Carolina. The final chapter, however, sets forth the judgment (obtained by questionnaire) of members of local draft boards and of local boards of appeals, county and city school superintendents, and government appeal agents. These reactions would be valuable guides for improving selective service administration, should it prove necessary to make major use of selective service in the future. The volume will not be a best seller, obviously. It is, however, a valuable analysis of the administration of selective service in one state.—CHRISTIAN L. LARSEN.

The history of methods for control over Federal expenditures in the United States is retraced and brought down to date in Vincent J. Browne's *The Control of the Public Budget* (Public Affairs Press, 1949, pp. 174, $2.75 paper, $3.25 cloth). Four chapters deal with the period from colonial times to the establishment of the executive budget system in 1921. A fifth chapter highlights the period of emphasis upon economy and efficiency from 1921 to 1939. A sixth deals with influences on the Budget process from 1939 up to and including the presentation of the Hoover Commission Report, with stress upon the growing role of overall financial planning and public economic programming. Certain important influences in the last 30 years are overlooked—notably the impetus the Classification Act of 1923 gave toward abolishing detailed itemization of appropriations and the effect of the Government Corporation Control Act of 1945 in providing a means for annual Congressional review of an important segment of the Budget, while preserving a high degree of flexibility with respect to programs and expenditures. The author concludes that reform of the committee system, including abandonment of the seniority rule, and revision in the form of appropriation acts, with less itemization, are among the most important changes needed in the Federal Budget process.—CARL W. TILLER.

Political science as well as history and other social science fields is benefiting by the reproduction of books not generally listed as classics but important enough that their current unavailability is a matter of serious regret. Two such books now being made available in limited numbers are the *Life and Correspondence of James Iredell*, by Griffith J. McRee (Peter Smith, 1949, 2 vols. reproduced in one, pp. viii, 570 and vii, 605, $10.00, micro-offset of D. Appleton & Co., 1857) and the *Autobiography of Amos Kendall*, edited by William Stickney (Peter Smith, 1949, pp. 699, $7.50, micro-offset of Lee, Shepard and Dillingham, 1872). The work on Iredell consists largely of correspondence written to and by him, of political documents dealing with life in the American colonies and states and particularly in North Carolina during the last third of the eighteenth century, and of charges to grand juries and other documents connected with his work as a member of the Supreme Court during the formative years of that tribunal. The Kendall autobiography stems from Kentucky, telling the story of a newspaper man and politician in a pioneer local setting and the environment of Washington during the administration of Andrew Jackson. It is of particular significance in any study of the western origins of Jacksonian democracy and its coming to fruition with Jackson's election to the presidency. Since both books are very much worth reprinting, it is a matter of regret that the editions are limited to from 100 to 250 copies. Their attractiveness and readability, it is true, and perhaps also their potential sales, are limited by the fact that the reproduction of four pages on each single page requires drastic reduction in the size of the print and presents the eye with a fatiguing amount of finely lettered blackness.—CARL BRENT SWISHER.

Cathryn Seckler-Hudson's *Bibliography on Public Administration—Annotated* (The American University Press, 1949, pp. vii, 55, $2.00) and *American Men in Government; A Biographical Dictionary of Federal Officials* (Public Affairs Press, 1949, pp. xxiii, 472, $7.50), edited by Jerome M. Rosow, fill a definite need and should prove valuable to students, librarians, public officials and others who have an interest in public administration and government. The former book lists primarily references and titles to sources and works on national public administration. The annotations under the listed works throughout the compilation are helpful. Dr. Hudson is to be commended for the excellent arrangement of the material. *American Men in Government* is a compilation of some 1,600 biographies of Federal Government officials holding key positions in the executive branch. It contains interesting data on ranking personnel in the federal service (age, length of service, education, marital status, etc.), an "Organizational Index to Names" (agencies with their top officials), and an "Occupational and Professional Index." Dr. Leonard White's "Foreword" is a commentary on the vast army of American civil servants "scattered literally around the earth," whose names appear on no single roster. The present compilation helps to fill that need. Due to voluntary inclusion, some names are regretfully absent. This reviewer, however, is disturbed by the question, "Why do private individuals have to undertake to fill a need that is basically public in nature?" The volume is well organized and compact, though its cost may greatly limit its sales.—JULIAN FAHY.

FOREIGN AND COMPARATIVE GOVERNMENT

Herman Finer insists that his revised edition of *Theory and Practice of Modern Government* (Henry Holt and Company, 1949, pp. xiv, 978, $5.50) is intended to revise only the one-volume American edition of 1934. The warning is helpful, because the new "one volume Finer" compresses more than 600,000 words into its massive, double-column pages, rendering it quantitatively equivalent to the original two-volume treatise whose revision remains for the future. The present version restores chapters of interest to American students which had been omitted from the first American edition. Most of the chapters have been re-written and brought up to date. Yet whole sections of the original have been salvaged and the passages on Nazi and Fascist dictatorships, still useful for comparative purposes, retain the historical flavor of the earlier work. For Finer, "modern" government is still largely American and European government; but while this attitude may be unfortunate from some points of view it enables him to write about what he knows most about. So ambitious and magistral a work naturally invites small comment: why is this subject—for example, the brief comment on executive power in the U.S.S.R. tacked onto a chapter on the German cabinet system—so sketchily treated? And why is that subject—the recruitment of the civil service in pre-Hitlerian Germany, to take one illustration—treated so fully? But to examine the revision in this spirit would be to neglect the main point. In seventeen years, Finer has notably enlarged his practical experience with governmental affairs, and he has moved from the British to the American academic environment. His views have matured; he seems to feel more certain of himself; and, according to the state of his confidence at the moment, he indulges in countless critical essays and small editorials where he thinks they will do the most good. The personalized freshness of the approach is always stimulating; the writing is lucid and often pungent; every page has its challenge for the mind of the reader. This is no cut and dried textbook but an invigorating set of value judgments that distinctly enriches the literature of contemporary political science.—H. ARTHUR STEINER.

Judgment by Peers (Harvard University Press, 1949, pp. 184, $2.50), by Barnaby C. Keeney, opens with a chapter on the origin of peerage and of judgment by peers in continental Europe, then turns to England and traces the development of the privilege through the fifteenth century. A whole chapter is devoted to the thirty-ninth clause of Magna Carta, and two appendices deal with special problems. The study is written with the rigid economy that characterizes a good doctoral dissertation. Glancing neither to the right nor to the left, the author hurries from datum to datum, examining the episodes from which practice is to be inferred and pronouncing judgment. His progress over the crags of historical evidence is brisk and sure-footed, but inspires the admiration rather than the emulation of the lay reader. Nevertheless his conclusions appear to be conservative and judicious. In view of the inflated significance usually attached to the *Coutumes* of Beaumanoir, it inspires confidence to read Dr. Keeney's judgment: "It is most unwise to apply what Beaumanoir said about the Beauvaisis to other areas, even in the thirteenth century, much less in the eleventh and twelfth." Nevertheless he seems to this reviewer to go astray when he says (p. 68) that the peers who are to give judgment under clause thirty-nine of Magna Carta are the committee of twenty-five barons created by clause sixty-one to watch the king. This is a misreading of clause fifty-two, which brings in the twenty-five barons, not to give judgment in the first instance, but to rectify matters when the king has wrongfully denied judgment by peers. Moreover the suggestion (p. 107) that jury trial was a real advantage to the subject in the middle ages requires support which is not offered. The usefulness of this scholarly study to the general reader is considerably diminished by the brevity of the treatment accorded to related institutions and legal practices. Judgment by peers is not set against the background of English constitutional development. Indeed, the author seems to regard it as being itself the substance of constitutional development when in the concluding sentence he subscribes to the cult of medievalism: "It is to the combination of judgment by the vassals and government with their help that we owe a large part of the institutional and ideological foundations of our modern constitutionalism." The primary appeal of the volume will be to the specialist, to whom it offers competent judgments on controversial questions of interpretation.—FRANCIS D. WORMUTH.

Professor René de Visme Williamson attempts in his *Culture and Policy; The United States and the Hispanic World* (University of Tennessee Press, 1949, pp. 66, $2.00) to correlate the Spanish soul-searching of such men as Madariaga, Ortega y Gasset, Havelock Ellis, Barrow, etc., and from their findings evolve an explanation of the cultural basics in Hispanic America. Dr. Williamson points out the difference between the Spanish "I" and the Anglo-Saxon "I," referring to the former as the "personal," and the latter as the "individual." At first this seems a finely drawn distinction, but what Dr. Williamson apparently means is that in referring to the symbolic "I" the Anglo-Saxon does not personify the individual, but sees him as a misty figure, a Mars-Apollo standing entrenched against the faceless, pulsing mass. In opposition to this, according to Dr. Williamson, the Spaniard sees the "I" as literally personal, *don Fulano de Tal*, John Smith, etc. He believes that the Spaniard, beginning with this personal "I" must always approach any problem, political or sociological, from a subjective rather than an objective point of view. In his final chapters, Dr. Williamson emphasizes the need for a better understanding of Hispanic problems (the word Hispanic being applied here to all countries within the Spanish American circle) in American foreign policy, making a strong defense of the potentialities of the political power of the cultural in our relations with these countries, and suggests the building of an Hispanic Commonwealth of nations into a Third Great Power to act as an instigator for the United States of Europe, as well as mediator between the United States and the Soviet Union. This, he believes, could be accomplished if the need for this Commonwealth were raised to the level of a "Cause" as suggested by Ortega y Gasset in his *La Rebelion de las Masas.* Such a "Cause" being fundamentally philosophic, would be a much greater unifier than the hitherto used economic pressure which has proved itself a failure.—Federico G. Gil.

INTERNATIONAL LAW AND RELATIONS

The *Jahrbuch für Internationales und Ausländisches Öffentliches Recht,* edited by Rudolf Laun and Hermann v. Mangoldt (Hamburg: Rechts-und Staatswissenschaftlicher Verlag G.m.b.H. 1948, Vol. I, pp. 280, DM 13.80; Vol. II/III, pp. vii, 344, DM 20.75), is tangible evidence that the science of international law and comparative public law in Germany has dug itself out of the rubble. Professor Laun of Hamburg, well known to American political scientists, managed to "repatriate" the library and archives of the Institute of International Affairs which Albrecht Mendelssohn Bartholdy had founded in the 'twenties and which had been attached to the notorious "Ribbentrop Bureau" in Berlin under the Nazi regime. The Institute of International Law at the University of Kiel was fortunate in salvaging both its materials and its building. The two resurrected institutions have joined forces to publish the present Year Book, and the editors deserve congratulations on the new venture, which documents a return to traditional standards of scholarship. It is only natural that in the immediate post-war years German lawyers and political scientists should be preoccupied with the unprecedented problems that followed in the wake of total collapse. Thus the articles in the first volume deal with the international status of Germany under the occupation, and with occupation law proper; Vol. II/III presents articles and documents on war crimes and their punishment. What with the difficulties of publishing in Germany (Vol. II/III actually did not appear until 1949) and the ordinary delays of communication, the two volumes reached the reviewer's desk at a time when a good many of the problems discussed therein had lost much of their actuality. Since the contributions were written, the German Federal Republic has been constituted in the Western zones of occupation, and the new state is rapidly gaining a measure of sovereignty which must render all discussions on the legal status of Germany as a defeated and occupied nation more or less a matter of history. This state of affairs does not, however, detract from the scholarly merit of the symposium (Vol. I, pp. 9–159) in which an attempt is made to define that status in terms of traditional and of newly emerging international law. That the problem of war crimes will continue to present an intellectual and moral challenge need hardly be emphasized. A considerable portion of the Year Book is assigned to reports on constitutional developments in other countries, to court decisions and legal opinions on specific questions of international law, and to a documentary part which furnishes a very handy compilation of source materials on post-war developments in international relations, to a large extent in English. Chronological tables, bibliographies and book reviews enhance the scope of the publication.—M. MAGDALENA SCHOCH.

Upon his return in early 1949 from a year spent in Germany Dr. Karl Brandt of the Food Research Institute of Stanford University was invited to deliver a series of three lectures under the auspices of the Claremont Colleges. These have been published under the title *Germany; Key to Peace in Europe* (Claremont College, 1949, pp. ix, 109, $2.75), apparently without revision or elaboration. The first lecture, entitled "American Foreign Policy Toward Germany," is mainly a resume of the events leading up to 1945. The second lecture, "The Reconstruction of Germany," describes various steps taken by military government to cope with economic problems. The final lecture, "The Integration of Germany into Western Europe," presumably summarizes Dr. Brandt's thinking as to the future of Germany. As lectures intended for a mixed audience of undergraduates, graduates, faculty members, and townspeople, the general level naturally is somewhat elementary and hence there is, especially in the first two chapters, little which is at all new to anyone who has even a bowing acquaintance with recent events in Germany. While a reader can expect no other result under the circumstances, it is nevertheless disappointing that the distinguished authority on German food and agriculture could not have been given an opportunity to discuss the technical details of that aspect of the German problem. The most valuable part of the little book is doubtless the final chapter. Here the author stresses the point that "the integration of Germany into Western Europe requires her restoration economically to a status which will make her independent of subsidies with all possible speed, and even more does it require her prompt political and spiritual restoration as a sovereign and responsible neighbor now." The four specific steps which he maintains should be "taken by the Western powers without equivocation" remind one strongly of the demands which have been recently made by the leaders of the West German Republic: (1) formal peace between the Western Allies and the Republic; (2) economic sovereignty; (3) right of full membership in the Organization for European Economic Cooperation; and (4) establishing of German diplomatic and consular representation in foreign countries.—HAROLD ZINK.

The *Yearbook of the United Nations 1947–48* (Lake Success, New York: United Nations, 1949, pp. 1126, $12.50) is the second in a proposed series of such yearbooks to be released by the Department of Public Information of the

United Nations, and is concerned with its work from June 30, 1947, to September 21, 1949, the date on which the third regular session of the General Assembly convened. Part I opens with a description of the origin and evolution of the United Nations and a résumé of its accomplishments during the first 18 months. It then sets forth the functions, organization and work of the UN organs, including the General Assembly, the Security Council, the Economic and Social Council and other organs subordinate to them, such as the Atomic Energy Commission, the Commission on Conventional Armaments, the Military Staff Committee and the Trusteeship Council. Other sections in Part I describe the Secretariat and the International Court of Justice. Part Two comprises a discussion of the Specialized Agencies, including those in the preparatory stage such as the International Trade Organization. The volume also contains charts showing the structure of the various UN organs, maps, documentary annexes, a selected bibliography, a "Who's Who" of persons connected with the United Nations, as well as personal name and subject indexes. References are given to original documents and to subjects considered in the earlier volume. Political scientists, technicians, commentators and officials in governments all over the world will find this highly informative compendium of indispensable value as a quick, easy and authoritative reference work. The book is an excellent condensation of the history of the period it covers, brightened by clarifying and explanatory illustrations and touching every part of the world that came under United Nations influence.—CONSTANCE G. COBLENZ (MRS).

With the publication of *International Legislation, Volume VIII* (Carnegie Endowment for International Peace, 1949, pp. xlviii, 653, $4.00), Professor Manley O. Hudson has carried further his great task of assembling the texts of the more important multipartite international agreements of the present day. Volumes I to VII, published between 1931 and 1941, had covered the period from 1919 to 1937. The current volume, in the editing of which Professor Hudson had the collaboration of Mr. L. B. Sohn, contains international instruments of the years 1938 to 1941. A total of 105 main items are included along with some fifty subsidiary instruments. In accordance with the practice of the earlier volumes, these instruments usually are printed in the English version or translation and in either French or Spanish. Because of their usefulness in helping to trace the development of the process of international legislation some important instruments have been included in spite of the fact that they were never ratified or (like the German-Italian arbitral award of 1940 on the Rumanian-Hungarian boundary) are no longer in effect. The value of the whole collection is vastly enhanced by prefixing to the text of each instrument a short and richly annotated note. Here is given the background of the instrument, the extent to which it has been ratified, and any reservations made by the parties to it. A short bibliography is included in each of these notes. In this are references to other publications where the texts of the instruments may be found as well as discussions of the subject in the leading international journals.—J. Q. DEALEY.

Students and scholars alike will acclaim *Documents on American Foreign Relations*, January 1—December 31, 1947 (Princeton University Press, 1949, pp. xxxii, 759, $6.00), edited by Raymond Dennett and Robert K. Turner. This is the ninth volume in the excellent series published by the World Peace Foundation as its contribution to a more authoritative understanding of our foreign relations. The unique organizational pattern of previous volumes is continued wherein part of the book follows a topical arrangement (i.e., "International Peace and Security," "Relief and Rehabilitation") and part organizes the appropriate documents by regional areas ("Western Hemisphere," "Eastern Asia and the Pacific Area"). Particularly helpful to the student of American foreign policy are the chapters on "Economic Reconstruction and Development" and "Occupation Policy." The compilation includes diplomatic notes, vital statements by policy-makers of both the United States and of foreign states, excerpts from the *Congressional Record* and resolutions by the United Nations. In view of the mass of documentation available, the actual selection of material has been highly intelligent and discerningly balanced. Succinct introductory notes place in proper historical perspective the carefully selected documents and guide the scholar to additional valuable source material. The indexing and cross-referencing are superbly done.—ALFRED J. HOTZ.

Students of international relations will welcome the appearance of *New Compass of the World* (The Macmillan Co., 1949, pp. 375, $3.50), edited by Hans W. Weigert, Vilhjalmur Stefansson and Richard Edes Harrison. This symposium on political geography is a continuation of the editors' *Compass of the World* published in 1944. The present volume is the work of a score of contributors, for the most part Americans. Of the twenty-three articles included in it, only six have already appeared elsewhere. The subject matter is illustrated by nearly thirty maps intelligently drawn to bring out the authors' points. As in the previous volume, the editors evince a special interest in the far north—Canada, Alaska, the Soviet Union—and several of the most interesting essays deal with this zone. Other regions given particular attention are Central Europe and Eastern Asia. There is no pretense at a balanced treatment of the world's pressing problems. As the editors assert in their opening chapter, "What the authors of our symposium are attempting to do is to call attention to new and significant trends in political geography. In doing so, they do not claim to have high-lighted all or even most of these developments . . . Our goal is not to give data covering the global scene but to illuminate certain carefully selected spots on the surface of this globe and, as in the case of population trends and mass migrations, to discuss vital trends affecting the human geography of our day." There is thus room for any number of further volumes in their series. Let us hope that in due time they will appear and that they take us into Africa and other hitherto neglected places.—ROBERT GALE WOOLBERT.

Technology and International Relations (University of Chicago Press, 1949, pp. vii, 201, $4.00), edited by William Fielding Ogburn, breaks relatively new ground by canvassing the effects on the size and strength of nations and the influence on their foreign policies of the main inventions which were matured during World War II: aviation, the atomic bomb, and the complex of technological changes in the realms of steam, steel, and mass communications. As a pioneering attempt to deal with a highly important subject it merits attention and should prove valuable in stimulating political scientists to give further attention to the impact of technological progress on international developments. Contributors are William Fielding Ogburn, Hornell Hart, Abbott Payson Usher, William T. R. Fox, Robert Leigh, Bernard Brodie, and Quincy Wright. In view of the promising nature of the subject dealt with and the competence of the authors concerned, it is particularly regrettable that *Technology and International Relations* is, as a whole, disappointing. In the reviewer's opinion the book's basic weakness stems from its uncertainty as to the audience it is intended to reach. For the specialist in international relations the volume includes too much information which is already well known and too many conclusions which are obvious to the point of banality, while the general reader would undoubtedly find the technical and academic style of several of the essays distinctly discouraging. The fact remains, however, that the book represents a highly worthwhile and ambitious effort to explore the political implications of the major technical changes of recent years, and a number of its chapters make notable contributions to this subject. The essay by Bernard Brodie on "New Techniques of War and National Policies" is particularly noteworthy and timely inasmuch as it considers at length the problems which will confront the United States during the period of superiority rather than monopoly of the atomic bomb, and it calmly yet boldly faces the question of what special steps this country would be obliged to take in the event its atomic superiority is lost.—WINIFRED N. HADSEL.

In *Foundations for World Order* (University of Denver Press, 1949, pp. 174, $3.00) such eminent authorities as Ernest Llewellyn Woodward, J. Robert Oppenheimer, Edward Hallett Carr, William E. Rappard, Robert Maynard Hutchins, Francis Bowes Sayre and Edward Mead Earle deal with the question of whether the leading world powers can succeed in finding the means of settling their differences without resort to war. Their essays on the historical, scientific, economic and other phases of the problem of establishing an international rule of law are marked, as might properly be expected, by stimulating observations and sound judgments. Unfortunately, however, this book's chief asset is also the source of its weakness. The very fact that its authors are eminent authorities means that their views have frequently been sought out by editors and publishers, with the result that the gist of their present essays has previously appeared in a number of books and articles. Hence, *Foundations for World Order* offers nothing new to the student of international organization but, rather, a review of already familiar ideas and interpretations.—WINIFRED N. HADSEL.

POLITICAL THEORY AND MISCELLANEOUS

Teachers of political theory have frequently felt the need for a representative selection of materials which will enable students to catch the spirit as well as understand the development of American political thinking. In his *Free Government in the Making* (Oxford University Press, 1949, pp. xviii, 846, $6.00), Professor A. T. Mason makes an outstanding contribution to this objective in his choice and grouping of selections and in his interesting and provocative introductory statements. He successfully relates the significant historical events of the period from which selections were made with the writings. The organization and character of his selections are especially useful. Students will find selections from early English statements like the famous debate on the Putney Project, 1647, by Colonel Thomas Rainboro and Lt. General Henry Ireton especially useful in understanding the nature of the struggle for greater liberty in this background period. This book also contains other selections not easily accessible to the average student, although they are both significant and representative. These include some of the most valuable letters of Thomas Jefferson and Benjamin Franklin. Another source which is especially pertinent to early post-constitutional developments are selections taken from Massachusetts, New York and Virginia Constitutional Conventions. These are grouped under the title of "Extending the Base of Popular Power." There are many other selections in this valuable volume which are known only to scholars in the field but which are distinctly representative of developing trends of American thought. The notes and selections as arranged by Professor Mason are not only useful for their separate contents but also provide an encouraging panorama for those who have faith in free government. The concluding section is entitled "Free Government Vindicated" and closes with Justice William O. Douglas' "Freedom Train Address" on "To be an arsenal of democracy we must justify that faith by our performance." This volume faithfully states the record of struggle, success, trial and error which is necessary to insure and maintain a free government and which is never concluded.—CONLEY H. DILLON.

Academicians who are concerned about general education in the social sciences will be particularly interested in the two huge volumes, *The People Shall Judge* (University of Chicago Press, 1949, Vol. I, pp. xiv, 831, $4.50; Vol. II, pp. xvi, 797, $4.50), prepared with introductions and explanatory notes by the Staff of Social Sciences at the University of Chicago. The wide variety of integrated courses in the social sciences, now fairly common across the country, represent a minor reversal in a major trend of the last fifty years or so. The major trend has been highly artificial departmentalization. The integrated courses attempt to treat social science as a single body of knowledge. These two volumes are a collection of more than 250 important writings and documents classified under thirteen main headings but following largely the historical approach. The first volume ends with the close of the Civil War. The second volume includes some material published in 1949. The readings, although drawn from a wide variety of sources, seem designed especially to present ideas about public policy. They are not intended to supplement lectures or textbooks but to provide the basic material to which lectures and textbooks are subsidiary. Out of the collection a student might acquire some basic historical knowledge, develop some competence in the analysis of social issues and acquire some sense of social responsibility. Those critics who believe that social science courses tend to over-emphasize problems and controversial issues will find some support for their criticism in the materials here presented. The most severe critics will be compelled to agree, however, that it is a superb collection and a valuable contribution to all introductory courses in all social sciences.—E. ALLEN HELMS.

There is a mordant irony in the decision of the Amalgamated Clothing Workers to allow Harold J. Laski the role of commemorating their deceased leader on the first anniversary of the Sidney Hillman Foundation. For the thesis of Laski's lectures, as revised for publication in his *Trade Unions in the New Society* (Viking Press, 1949, pp. x, 182, $3.00), urges the American labor movement to abandon the major premise of Hillman's career, namely, that a trade union acts politically as a pressure group, whose primary purposes are to extract from industry the maximum monetary benefits and protection for their members' rights in their jobs, while securing from government policies that sanction union employment standards and organizational privileges. Laski argues that, in a capitalist society, trade unions are bound to lose out if they maintain this concept and strategy. He calls for labor leaders capable of transforming the unions into a disciplined nucleus of a people's political party, in whose program union objectives would be integrated with those of other progressive social groups. Such leaders, in his view, must make the moral commitment to reject capitalism and dedicate themselves to achieving a truly equalitarian social order through public ownership of the means of production. By identifying this goal with the welfare of the workers and the common good of the community, Laski seeks to demonstrate that the higher loyalty of workers and their leaders belongs to a political party affirming these beliefs rather than to union bureaucracies vainly seeking survival as autonomous institutions for labor representation through the economically and politically vulnerable process of collective bargaining. The pungent idealism of the Intellectual Left finds no abler exponent than Laski in analyzing the limitations of "pure-and-simple" business unionism. But both on the level of diagnosis and of prescription Laski frankly prejudges in orthodox Marxian style the political decisions the labor leader is called upon to make. In arguing his case for the hopelessness of freedom and welfare for workers in a capitalist society, he brushes aside the conflict of loyalties involved in getting workers to act like trade unionists rather than like members of a political party to whom the only important thing is the ultimate victory of socialism. When he is discussing the facts of personality or institutional conflicts between union leaders, or the absence of ideological consensus between union leaders and other "progressive" competitors for control over the "people's party," he assumes that such problems *must* be decided in favor of political party organization first, leaving the political struggle within the party to be decided later. In short, he utterly fails to emphasize that Sidney

Hillman made his decisions with respect to both of these crucial problems by reversing the order of values that Laski asks organized labor in America to accept.—AVERY LEISERSON.

The reprint of Carl Becker's *Progress and Power* (Alfred A. Knopf, 1949, pp. xlii, 116, $2.50) invites attention to this interesting and stimulating, if somewhat depressing, essay which first appeared in 1936. It is full of sophisticated, refined, mellow pessimism. Becker is trying to salvage something of the idea of human progress. He gives up all interpretations in moral, religious, or political terms with the regret of the baffled and the vanquished. He comes to the idea of progress on the rebound from Marx, Hegel, Herbert Spencer, and other thinkers with which a competent historian has to deal. As a result, he takes refuge in the concept of power in all its forms, including the technological. His thesis is that progress is to be interpreted in terms of the amount, kinds, and uses of power in the hands of man from pre-historic times to the present. The book reads like the work of a very world-wise and history-wise, highly cultured, disillusioned, and weary liberal. It is a monument to what happens when a distinguished mind loses the faith but not the charity and kindness of a liberal. It clarifies without offending, enlightens without convincing, and produces an admiration devoid of agreement.—RENÉ DE VISME WILLIAMSON.

Maurice R. Davie's *Negroes in American Society* (McGraw-Hill, 1949, pp. 542, $4.50) is designed as a textbook for a sociology course taught under some such heading as "Race Relations." In twenty-two chapters it covers in time everything from the importation of Negroes from Africa to speculation about the Negro's future; in subject-matter it treats such varied aspects of Negro life as economic status, education, religion, housing, health and vitality, criminality, suffrage, race mixture, and the Negro's reaction to his status. Whenever a specialist examines a general text containing a chapter in his own narrow field, he is likely to speak highly of the book in general but observe that the chapter on his specialty is disappointing. This particular chapter always overemphasizes the wrong aspects of the subject, fails to make use of the latest materials, and never contributes anything new. Of course, such an evaluation sets up impossibly high standards for text writers. Judged by less exacting criteria, Davie's chapter on "Negro Suffrage" presents in acceptable form the standard material on the Negro's struggle for the ballot, and in several chapters he handles Supreme Court decisions dealing with Negro rights in a competent fashion. The chief value of the book to political scientists will be the chapters dealing with aspects of Negro life outside their specialty. Although this reviewer is not qualified to evaluate them, they contain a wealth of information basic to any understanding of the Negro's political role. Each chapter is followed by an admirable bibliography.—DONALD S. STRONG.

Turbulent disorder, overturning political and economic institutions, may be anticipated unless there is wide dissemination of the facts assembled in Seymour E. Harris's *The Market for College Graduates* (Harvard University Press, 1949, pp. xvi, 207, $4.00). Discontent and frustration will become dominant attitudes of increasing numbers of graduates as it becomes more and more evident that their education is "a product in excess supply." "The time may come when, on an average, the college-trained worker will earn less than the non-college worker." To avoid this eventuality, college education must be justified to parents and to youth acquiring it "on other than narrowly vocational grounds." To emphasize this justification, the prospective large excess of supply of educated men and women over demand in the desired positions must be widely advertised. Mr. Harris does not oppose our democratic ideal "that higher education be open to as many as possible." He believes that "the country can afford the costs of a wide dissemination of higher education," but our government and the institutions of higher learning are only creating "a B.A. and a Ph. D. proletariat" unless there is a more careful census of supply and demand, an increased and improved vocational guidance, an attack on restrictionism as manifested notably in the medical profession, and "a greater concentration on the non-economic gains of education as well as on the social (as against the private) profit." High priority among non-economic gains is accorded learning to use increased leisure. "In the recent past we have taken too large a part of our gain in improved plumbing, in more alcohol, in perpetual motion, and in mass entertainment." Yet it may be that for the vast majority, a college education intensifies the desire for such expenditures. In a market overcrowded with college graduates, receiving incomes inadequate to satisfy these desires, there may be "an eventual revolutionary movement sparked by millions of unemployed, frustrated, and down-graded college graduates. Our young men and women should know what to expect before, rather than after, they go to college."—HOWARD WHITE.

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